

ON TOUR WITH RALPH NADER • IN THE STREETS OF PRAGUE

In These Times

INDEPENDENT NEWS & VIEWS

October 30, 2000



The System Doesn't Work



Just ask Ellen Reasonover
Steve Weinberg reports

ALSO
The Fight to End
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In These Times

INDEPENDENT NEWS & VIEWS

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Letters

Gore vs. Nader Continues

Joel Bleifuss seems to blame those who voted for Barry Commoner and John Anderson in 1980 for Ronald Reagan's victory and policies ("Let's Win This One First," September 18). But Reagan won because Jimmy Carter's policies were a failure, not because of votes for Commoner and Anderson. The debacle that followed was a result of that familiar "move to the center" by establishment Democrats.

Then, instead of asking whether voting for lesser-evil Clinton in 1992 and 1996 did us any good, Bleifuss blames Clinton's move to the right on the new moral environment produced by Reaganism, which he has improperly attributed to support for Commoner and Anderson.

Bleifuss also speaks of the absence of any "political organization on the left to challenge" Clinton. But such a political organization of the left would surely include a strong third party led by a candidate who would threaten to drain away critical votes if the Democrats continued to serve only the corporate interest. The fact is that Clinton, by his own choices, moved to the right instead of trying to mobilize a mass democratic constituency with policies serving their interests.

A Gore-Lieberman victory would further consolidate Democratic Party control by the right-wing Democrats and the Democratic Leadership Council, reducing the likelihood of any long-run progressive change coming from within that party. So it would not be "us" that would "win this one," it would be Al From and the Democratic Party's corporate funders. The left will be more marginalized than ever.

Edward S. Herman
Penn Valley, Pennsylvania

We find it extremely insulting that the first true champion of social justice to run for president in decades is castigated by *In These Times* as being an unrealistic contender. It's as if the left of this country were all sitting in a hot tub being filled with 211 degree water, but Joel Bleifuss gets up and says: "At least we're not boiling."

We will not be renewing our subscription, nor giving subscriptions as X-mas gifts this year. It is time to start supporting true progressives, and we will only be giving our money to those groups or publications that are willing to be truly progressive.

Lisa Ornstein and Scott Westphal
Eau Claire, Wisconsin

After about 40 years of voting according to Joel Bleifuss' philosophy, I have had it. I don't want to live without the possibility of at least some

hope. Voting for Bush or Gore gives me none. So, Bleifuss, save us from your elitist phony tears for those below the middle class. Putting us down as middle class and unaffected is meaningless. Things have changed. Get a life, hopefully not as editor of *In These Times*.

Dennis Kowalski
Chicago

Joel Bleifuss tells us about a dinner fight between old friends and blames them for the spat on "the strong feelings the Nader campaign has aroused." My strong feelings are aroused by the continued rightward drift of the Democratic Party—exemplified by the Gore-Lieberman ticket.

Bleifuss moans over the "real people really suffering" and then champions a Gore-Lieberman ticket that will cause more suffering among real people. Of course, after all his whoring, Bleifuss will do all right under Gore-Lieberman. Like his corporate candidates, the *In These Times* editor gives prostitution a bad name.

Michael Funke
Detroit

In the mainstream media vernacular, I am a swing-voter from the swing(ing)-state of Missouri. But my swing is not between the big-time contenders, but between the Democrats and Greens. I am swinging toward the latter because I am encouraged by the excitement they have generated and by their criticism of the ills of corporate one-worldism.

It saddens me though that many readers of this magazine have reacted so viscerally against those, including some *In These Times* writers, who argue that progressives should vote for Gore. As one old enough to remember divisive squabbles of the '60s and '70s, it seems we're falling into the same traps. At the very least, voting for Gore is an issue on which reasonable people can disagree. It seems that the insistence against doing so is based more on an idealist moral imperative than on a materialist strategy for change.

Michael Ugarte
Columbia, Missouri

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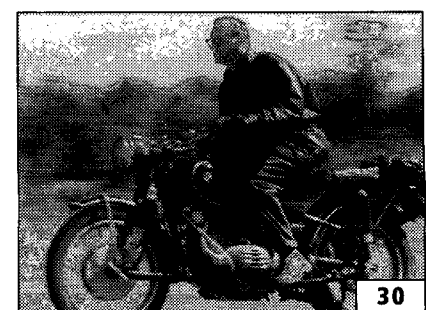
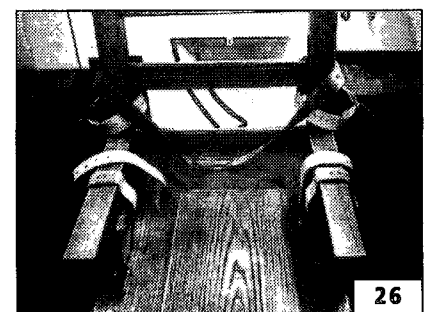
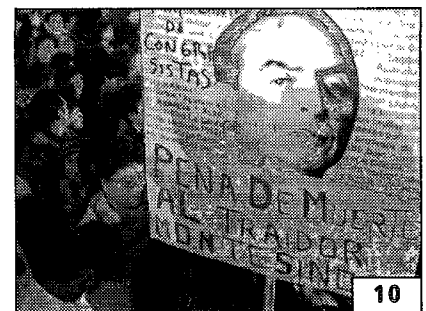
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Locking Up the Vote

By Salim Muwakkil

Last month a trio of civil liberties groups and eight former inmates filed suit against the state of Florida for a law that strips ex-felons of the right to vote. The suit charges the Florida law has a disproportionate affect on the black electorate, and is thus unconstitutional. The ultimate aim of the action is to challenge all state laws that disenfranchise ex-felons.

According to a 1998 report by Human Rights Watch and the Sentencing Project, 2 percent of all Americans, or 3.9 million, have lost the right to vote because of felony convictions. Of that number, 1.4 million (36 percent) are African-American men, which represents 13 percent of all voting-age black men and reflects a rate of disenfranchisement that is seven times the national average.

In the states of Florida and Alabama, one in three black men is permanently disenfranchised, and in seven other states that ratio is near 25 percent. If current trends continue, the study notes, 30 percent of the next generation of black men can expect to lose their right to vote at some point in their lifetimes.

Laws disenfranchising felons have been around since the early days of the nation, but after the Civil War they took on an added significance and (especially in the southern states) specifically targeted formerly enslaved Africans and their descendants. Currently, 47 states and the District of Columbia have laws that deprive inmates of the right to vote (the three states that permit inmate voting are Maine, Massachusetts and Vermont). Thirty-two states further deny the vote to persons on probation or parole; in 15 states a felon can be barred from voting for life. The skyrocketing growth of the racially disparate inmate population has exacerbated discriminatory effects of these electoral prohibitions.

The Florida suit was filed on behalf of the eight former inmates by the

Brennan Center for Justice at New York University's School of Law, the Lawyers Committee for Civil Rights Under Law in Washington and James Green, a Florida civil rights attorney. According to Nancy Northup, director of the Brennan Center's Democracy Program, Florida was targeted because it has the largest number of disenfranchised ex-felons in the country, and because the law there was enacted specifically to deny blacks the right to vote in the aftermath of the Civil War.

The precedent for this challenge is a 1985 ruling, *Hunter v. Underwood*, that struck down an Alabama criminal disenfranchisement law under the 14th Amendment's equal protection clause. The court held that any criminal disenfranchisement law that had a racially discriminatory intent and effect would violate that clause.

No other democracy bars convicted offenders from voting for life. In fact,

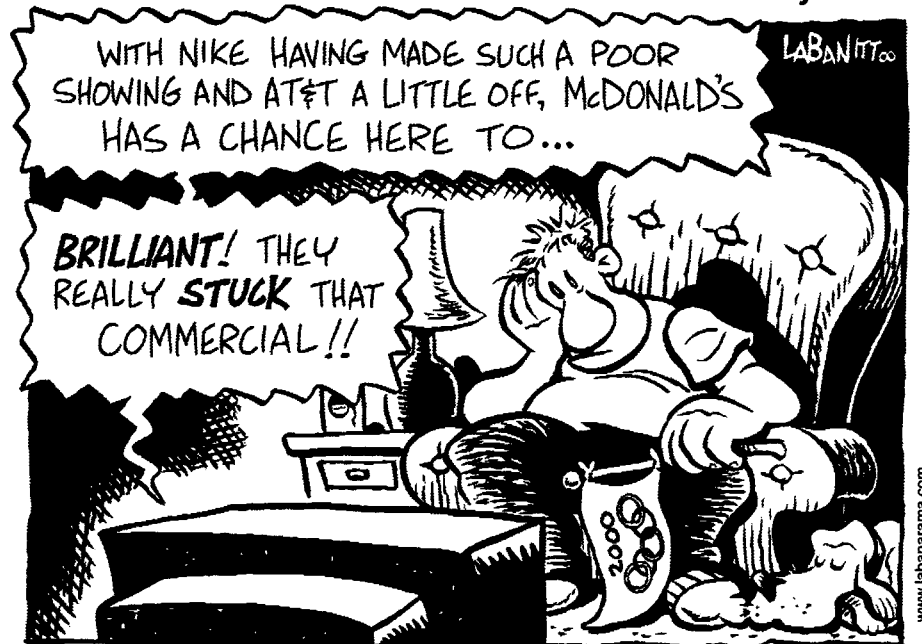
many countries—including France, Germany, Sweden, Norway and Poland—permit those in prison to vote. Most democracies have concluded that such laws defeat the purposes of incarceration: rehabilitation and public safety. Since most prisoners will return to the community, society has an interest in cultivating their sense of social obligation and encouraging civic engagement; electoral participation is the bedrock of civic engagement.

Disenfranchisement laws are so destructive to democratic values they

If current trends continue, 30 percent of the next generation of black men can expect to lose their right to vote.

can hardly be justified except as part of an exclusivist tradition. The Florida suit seeks to break that tradition through the courts. Others are trying in other venues. Rep. John Conyers (D-Michigan) last year introduced the Civic Participation and Rehabilitation Act, which would restore the right to vote in federal elections to individuals who have been released from prison. Conyers' measure has received little support, but it is a bill whose time has come. ■

Terry LaBan



Just Like the Bad Old Days

Czechs crack down hard on protests at banker soir  e

By Tony Wesolowsky

PRAGUE—As financiers from the World Bank and IMF convened here from September 26 to 28, activists were hoping for a turnout of as many as 40,000 protesters to disrupt the meetings in much the same way the WTO was foiled last fall in Seattle. As sociologist Walden Bello told a crowd of 400 at a three-day counter summit in the Czech capital, "We're here to shut the motherfucker down!"

But the anticipated tens of thousands of activists never materialized for the S26 day of worldwide action against globalization, which centered on Prague, the site of the 55th annual governors meeting of the IMF and World Bank, the first such gathering of Western financial bigwigs in the former Eastern bloc.

Some 8,000 activists gathered on Peace Square in front of St. Ludmila Church in downtown Prague at around 9 a.m. For the most part, things remained calm, if not festive, with protesters from Spain and Italy entertaining the crowd with song and dance of an anti-capitalist variety. At about 11 a.m., the crowd began to march down Sokolska Street in the direction of Nuselsky Bridge, which spans a valley flanked on its Southern side by the Communist-era Palace of Culture, now renamed the Congress Center, where the financiers were gathering. Carrying placards reading "Smash the IMF" and calling for Third World debt relief, about 3,000 demonstrators continued toward the bridge as uniformed and plain-clothes police watched on nearby curbs.

They were met by a wall of riot police backed by heavy armored personnel carriers and a water cannon. Signs in English and German ordered the demonstrators to disperse. Though a round of tear gas was fired by police and some police barriers were pulled back by protesters, things remained relatively calm on the bridge. But underneath, a splinter band of protesters called the "Blue Group" managed to come within a few

hundred yards of the Congress Center.

Outflanked Czech riot police were met by dozens of protesters in the Blue Group, many of whom dug up the cobble streets and macadam and hurled stones and Molotov cocktails at the police, who responded with tear gas and water cannons. In a series of running battles, a handful of demonstrators managed to pierce the heavy security ring around the Congress Center, where police whisked the unnerved financial potentates away on special sealed trains.

Later in the evening, high-profile multinationals McDonald's, KFC and Mercedes Benz had store windows smashed by the Blue Group. More than 60 police and at least 20 protesters were wounded in clashes.

"We've been systematically demonized, portrayed, you know, as young people interested in causing trouble, without issues, without reasoning, without our own program," adds 25-year-old Scott Codey, an American spokesman for INPEG.

As *In These Times* went to press, reports from INPEG complained of widespread "torture" in the jails, where released detainees say they were beaten and denied medical attention, and women were strip-searched and forced to do exercises in front of male guards.

Interior Minister Stanislav Gross had promised the police would be ready for anything the protesters offered. Officials in Prague came away impressed by the way police roughed up protesters in Washington during a similar bankers'



JACK GUEZ/AFI

Demonstrators in improvised protective gear square off with Czech riot police.

Overall, more than 800 demonstrators were arrested by the Czech police, according to INPEG (the Czech acronym for Initiative Against Economic Globalization), the umbrella group of protesting organizations.

Czech news dailies lauded the police for their handling of the situation, although some faulted the police for not being tough enough. "The press and the ministry of interior have painted us as monsters," complained Alice Dvorska, a 21-year-old Czech activist.

jamboree last April. In fact, Czech police were "trained" by their Washington colleagues at that time. "Police in Washington right from the start had the situation under control," explained Gross, whose post, which he took up last spring, was riding on maintaining order.

Leading up to and during the event, Prague looked like it had been thrown back in time to the bad old days before 1989, with cops on virtually every street corner, on motorbikes and even in the skies. On the streets, people complained

of being constantly harassed by Czech police who demanded ID from anyone fitting their "activist" profile.

Those who actually made it to Prague can count themselves among the fortunate, as border guards cited the flimsiest pretexts to keep would-be demonstrators and journalists out of the country. Lee Sustar, a reporter with the Chicago-based *Socialist Worker* and *International Socialist Review*, never cleared passport control at the airport. "This foreigner poses a threat to public order and the well-being of citizens," explained Czech police spokesman Iva Knolova.

Sustar's crime sheet is clean, though he was detained and later released by police during the Seattle demonstrations last year. The Czech daily *Mlada Fronta* noted ironically that Sustar had also worked for *New Politics*, which in the '70s published some of the smuggled work of the then dissident Vaclav Havel.

Another American, Kay Morrison, was banned from the Czech Republic for a year after border police stopped her three times trying to enter the country, the final attempt being with a group of cyclists planning to bike from Hanover to Prague for the demonstra-

tions. The northern Bohemian border guard explained Morrison had been denied entry for having committed an "offense" there in the past. Morrison had visited Prague in February 1999 and had indeed run afoul of the law: She was fined 500 crowns—about \$15—for smoking in a train station.

But Morrison, like Sustar, had been briefly detained by police during the ruckus in Seattle. Whether the FBI office in Prague offered the Czechs lists of U.S. activists is unclear, but Gross did say the FBI was assisting the Czechs in some undisclosed capacity.

Border guards also stopped a Prague-bound train coming from Milan on September 24. The train was carrying some 520 activists from Ya Basta!, an Italian direct action group. Four people were singled out and ordered to leave the train. Their crime? "These four people last year took part in demonstrations in Seattle," Gross explained.

The Italians didn't budge, nor did the train, which stood at the Czech border village of Horni Dvoriste for hours. By nightfall, some 250 Czech police descended on the sleepy hollow. The Italians broke into groups, some setting

bonfires across the tracks, snarling train traffic. Eventually, the four people agreed to return to Italy, after which the Czechs let the train travel onto Prague, where it arrived at around 2 a.m. the next day. All told, the BBC reported some 600 activists were kept out of the Czech Republic.

The bankers faced no similar problems. Eager Czech students were paid to meet VIPs at the airport to help fill out complicated customs forms and ease their arrival. During their stay in Prague, not only were some 200 cars at the bankers' disposal, but a fleet of the city's newest buses whisked a delegate or two at a time from posh hotels across town to the Congress Center, which the government spent \$60 million to renovate. The buses, however, are the city's only ones equipped to handle the disabled, who found out their transportation had been commandeered when they showed up at bus stops but the buses didn't.

World Bank and IMF critics did get a chance to air their views and take on the top bureaucrats from the two institutions when Havel invited more than 300 VIPs to his Castle residence for a discussion on September 23. Sociologist Bello said he "never imagined ever sitting so close" to World Bank President James Wolfensohn, and the slight Filipino gave him an earful.

Horst Kohler, the president of the IMF, came to the defense of his bureaucrats. "People for the IMF don't have hearts, our critics say," he complained. "I have a heart. But I also use my brain, so that I can find solutions."

Havel, who has waxed critical of capitalism, afterwards lamented the dialogue amounted to little more than a shouting match.

Some 300 NGOs were accredited for the official meetings, up from just two five years ago. But what influence they have, if any, is tough to gauge; no immediate plans were made to drop Third World debt, the NGOs' key issue. Meanwhile, protesters on the streets can at least boast their direct action caused the bankers to scurry out of town a day early, despite statements by the both the IMF and World Bank that they had managed to finish business ahead of schedule. ■

Low Power Radio Turns It Up

As National Association of Broadcasters convention delegates had their ears massaged by Colin Powell's keynote address on September 21, hundreds of microbroadcasters (operators of 100-watt or less FM stations) and media activists held a counter-convention outside the Moscone Center in San Francisco. Protesters staged a mock press conference of the "National Association of Brainwashers" featuring "Howard Stern" and "NAB Chief Extortion Officer Eddie Fritzt," who cheered, "You give us the money, and we'll give you the commercials!"

The event kicked off a weekend that brought 6,000 NAB members and thousands of activists to San Francisco for the group's annual convention. Protesters demanded an end to the NAB's aggressive lobbying effort to prevent the FCC from licensing hundreds of new low-power FM stations, an effort activists equate with corporate domination of the airwaves.

On Friday, protesters engaged in direct action against the convention. Andrea Buffa, executive director of San Francisco's Media Alliance, commandeered the microphone at the NAB breakfast session, yelling, "The air-

waves are for the public, not the corporations!" before being hauled off the stage with a hand over her mouth.

Shortly thereafter, four protesters locked themselves together with Kryptonite bike locks in the Moscone Center's lobby. Frustrated convention staff attempted to "virtually" remove the activists by placing a curtain around them. "It was the perfect image for what the corporate media are doing," Buffa says. "Covering up the important issues so that people know nothing about them."

Saturday's main event, a microradio rally at U.N. Plaza, drew a crowd of nearly 2,000. A smaller group marched on to the Hilton Hotel to address the NAB directly. Unfortunately, the NAB was busy honoring Rush Limbaugh with a Marconi Award for "Network Syndicated Personality of the Year."

Janine Jackson, program director for FAIR, proclaimed the protests a smashing success, despite a media blackout of the events. "We went from a dozen [protesters] in 1998 to thousands this year," she says. "Media control is finally becoming a central issue and it's exciting to see people on the streets."

Evan Endicott

America's Disappeared

What really happened to
those who left welfare

By Neil deMause

WASHINGTON—Soaring child hunger and poverty. Lines out the door at food pantries and homeless shelters. Single moms tossed out of college in droves.

If these sound like the horror stories of a bygone recession—or perhaps the forebodings of a George W. Bush administration—think again. According to a series of reports and personal testimonies at a gathering of welfare experts in Washington, life is getting even harder for America's poor, as the booming economy has failed to make up for the devastating effects of welfare reform.

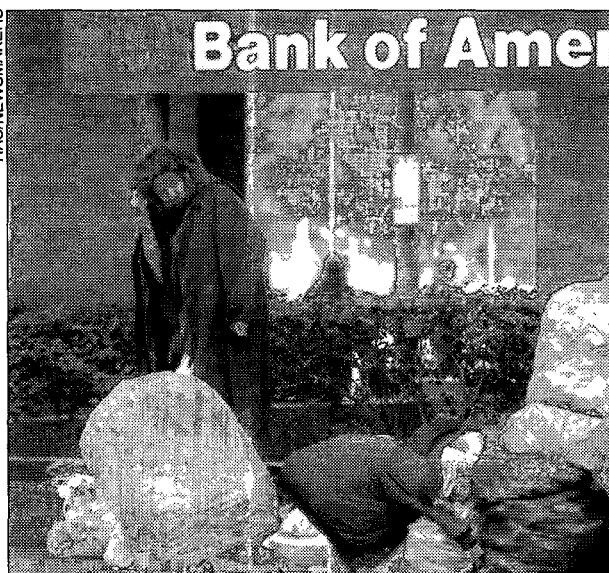
"Welfare as we know it is dead and gone," said Valora Washington, executive director of the Unitarian Universalist Service Committee, in her introductory remarks to the National Welfare Monitoring and Advocacy Partnership's 2000 summit on September 16. "But poverty is very much alive."

The summit, sponsored by the Unitarian group and involving advocates and members of social service agencies nationwide, was designed to combat one of the most frustrating aspects of the aftermath of the 1996 welfare law: As Congress cut the welfare rolls in half and shifted responsibility for this program from the federal government to innumerable state and local agencies, no one has kept track of the whereabouts of those who have left. They have become America's "disappeared," vanishing from the official statistics (state and city agencies rarely attempt to survey the poor once they're no longer receiving benefits) and from the sight of lawmakers as well.

National think tanks, such as the Urban Institute and the Brookings Institution, have tried to track those who have been cut off from welfare, but their careful statistical studies tend to be years in the making and often lose sight of the individuals behind the numbers.

In response, the National Welfare Monitoring and Advocacy Partnership

RAC/NEWSMAKERS



Down and out in Beverly Hills.

engaged in a year-long study on the well-being of America's poor. The data, garnered from 5,000 interviews with clients of social service agencies in 16 states, lump together current and former welfare recipients with other people seeking social services. These were not random samples, and thus the results say less about the specific results of welfare reform than the persistence of poverty.

The survey paints a bleak picture: 65 percent were unemployed, 46 percent homeless, and 28 percent had been unable to buy food at some point during the previous six months. Those who had found jobs were not much better off: Most had found only part-time work, wages averaged just \$7.20 an hour, and

two-thirds received no health insurance from their employers. Of the 58 percent of respondents who had received welfare at some point, one in three had lost benefits either because of sanctions or time limits. And of those currently receiving welfare, 40 percent had difficulty paying their monthly bills, and 30 percent had become homeless or had problems paying rent.

Bob Erlenbusch, director of the Los Angeles Coalition To End Hunger and Homelessness and coordinator of the study,

has seen similar evidence in his own daily work in L.A. "Within six to nine months of welfare reform, there was this explosion of women and children out on the streets," he says, noting that women and children have risen from about one-third of the national homeless population to 40 percent since welfare reform went into effect.

The growing deprivation shown in the surveys is the flip side of the much-lauded reports of falling welfare rolls. While state governments point to the reduced demand for services as a sign of a successful policy, advocates for the poor say it's just the opposite: Women are either being sanctioned off the rolls for missing a step in Byzantine work rules—thus losing not just welfare payments, but other benefits

Bus Stop

While Los Angeles Mayor Richard Riordan tours France on a bicycle trip, his city's residents are grappling with a transit strike that has left nearly half a million public transportation users stranded.

The United Transportation Union, which represents 4,300 bus and rail operators, is leading the strike against the Metropolitan Transportation Authority, after contract negotiations came to a grinding halt on September 16. The MTA is demanding that unions yield \$23 million in overtime and other payments to reduce a looming deficit, which MTA officials say will surpass \$400 million over the next 10 years.

MTA drivers are the highest paid in Southern California, with average annual incomes of \$50,000. The union asserts that this figure is misleading, because overtime payments account for roughly \$7,000 of their average total earnings. Without overtime, strikers say, many drivers would be unable to pay their bills.

Still, for now it appears to be the riders who are suffering. In Los Angeles, which has the nation's second-largest transit system, 70 percent of public transportation travelers make less than \$15,000 a year. Most are minorities and low-wage earners who have no alternate means of travel.

With a press blackout in effect, there's no indication of how negotiations are proceeding. In the meantime, Angelenos are walking miles to work, hailing "bandit cabs" run by opportunistic neighbors and struggling to make ends meet.

Evan Endicott

as well—or promoted into jobs that pay enough to disqualify them from government benefits, but not enough for them to afford their own benefits.

Cassandra Garrison, a former welfare recipient who now works for the Oregon Food Bank, has seen this phenomenon firsthand. Oregon has the one of the lowest food-stamp rolls in the nation; it also ranks No. 1 in hunger, according to the USDA. In surveying her agency's clients, Garrison says she found that many of those who had joined the work force were earning incomes that "were just enough that they weren't eligible anymore, but not enough to feed their families."

Two days before the Washington conference, Garrison and 35 other women from 13 states gathered on Capitol Hill for the official kickoff of Welfare Made a Difference, a campaign designed to remind policy-makers that for millions of women, the now-defunct Aid to Families with Dependent Children program once served as a means of escaping poverty.

Accompanied by Rep. Lynn Woolsey (D-California), a one-time welfare recipient herself, they told stories of how welfare provided them with a vital safety net.

The speakers, some of whom escaped poverty by getting a college degree, were especially galled at the stubborn resistance to allowing poor women to get an education. Federal law caps post-secondary studies while on welfare to 12 months, and even in states with more lenient limits, recipients are often pushed into low-wage vocational tracks or minimal "job training." Sandra Chapin recalled her first semester of community college in Oakland: "I was called in by my welfare worker and told that I had to drop out of college, because sociology and journalism weren't likely to lead to employment." She was finally able to stay in school, but only through the efforts of an organization founded by local student welfare moms.

With Temporary Assistance to Needy Families (TANF) up for reauthorization by Congress in 2002, Garrison and her fellow activists hope to convince legislators

to abandon the "work first" philosophy that has ruled welfare reform for so long. Instead they are calling for a policy that promotes education and training for jobs that will lift women out of poverty, not just push them into the nearest available minimum-wage work. At the very least, they hope to change the system whereby states are given federal cash bonuses for cutting caseloads, and replace it with one that gives incentives for increasing services and reducing poverty—a plan that might encourage states to start spending the \$8 billion in TANF surpluses now sitting idle in state treasuries.

But in a world where politicians fight to take credit for putting an end to welfare, trying to point out that poverty is worsening is an uphill battle. Cheering falling welfare rolls is "like applauding the designers and crew of the *Titanic* for those few hundred who survived their swim in the frigid North Atlantic," Washington says. "We're glad that some folks lived, but there's got to be a better way." ■



Appall-o-Meter

By David Futrelle

Olympic Meddling 4.6

One Kuwaiti politician has a unique critique of the Sydney Olympics: They're too exciting to broadcast—and should be banned. According to parliamentarian Waleed al-Tabtabaie, an Islamic fundamentalist, the events contain "more sex than sports."

He's especially troubled by women's events, which, he says, "have flagrant scenes which are unacceptable." Al-Tabtabaie says the worst offenders include "women's beach volleyball games, diving and synchronized swimming contests," which "reflect Western norms that do not give a woman's body any of the respect, honor or protection which Islam and [Islamic law] have granted her."

The politician also has loudly opposed risque BBC radio shows, music concerts and public celebrations of Valentine's Day.

Mighty White of You 6.9

In an attempt to portray their school as a haven of cultural diversity, admissions officials at the University of Wisconsin used digital trickery to graft a more diverse face into an otherwise monocultural photo being used on the cover of the

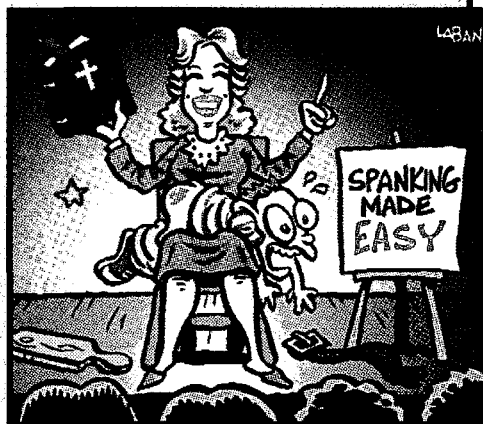
school's application packet. "Everyone who was identifiable [in the photograph] was white," an apologetic Al Friedman, director of university publications, explained to the *Chronicle of Higher Education*. "The conversation just very naturally evolved in a way to say, this photo is good, but it's all white people."

So the admissions office simply pasted the head of a black student, Diallo Shabazz, into the shot—a bit of trickery discovered by a campus journalist who noticed that the shadows on Shabazz's face didn't even come close to matching those of the other students in the shot. Searching the university's Web site, journalists discovered both the original whites-only shot—and the original photo of Shabazz. The school plans to recall as many copies of the packet as possible.

Child Abuse 101 7.2

Eau Claire, Wisconsin parents worried they may not have mastered the proper technique for beating their children got a refresher course at a recent spanking seminar held at the Eau Claire Gospel Center. About 50 people

showed up for the event, which featured a demonstration of spanking skills by Marvin Munyon and a teen-age assistant, according to a report in the *Eau Claire Leader-Telegram*. "You spank them right here on the gluteus maximus,"



which God made for that purpose," the Bible-quoting Munyon told the crowd.

According to Munyon, good parents will use paddles or switches instead of their hands—lest the children come to associate their parents' hands with pain. And they should start spanking early—preferably at the age of two or so. "If you wait too long to begin physical discipline," he explained, "it may be too late."

The Truth Is Out There

A U.S. tribunal investigates Colombian atrocities

By Kari Lydersen

CHICAGO—"Witness 3" and her children and grandchildren were nervous as they started heating food on their stove at around 6 a.m. on December 13, 1998. Planes and helicopters had been circling for most of the previous day over their small village of Santo Domingo in the northeastern Arauca region of Colombia. The helicopters were battling with leftist guerrillas in the brush about half a mile from the village, shooting machine guns as they swooped low.

At about 10 a.m., as she walked across the room to put more wood on the stove, everything went black. Seconds later her children and grandchildren were screaming and bleeding. Her two daughters, ages 5 and 7, were dead. Her son and grandson died soon after. "He was saying 'Help me, mom, help me,'" the middle-aged woman, who did not want to reveal her name, told an international human rights tribunal at Northwestern University Law School in Chicago on September 22 and 23.

In all, 19 people, including seven children, were killed that morning in Santo Domingo. At least 25 more were seriously injured. Witness 3 and other residents say they have no doubt the attack on their town came from Colombian military helicopters dropping bombs. But the Colombian government maintains that the town was demolished by a powerful homemade car bomb placed in an abandoned truck by guerrillas with the FARC (Revolutionary Armed Forces of Colombia).

The tribunal, convened by Northwestern's Center for International Human Rights, aims to determine whether the government was in fact responsible for the massacre and whether it violated five international human rights treaties in the process. While it is not judicially binding in any way, human rights workers hope the publicity the tribunal garners will show the Colombian government that its brutality and impunity is not going unnoticed.

There is an average of more than one massacre—defined as the killing of three or more people at one time in one area—a day in Colombia. There is a 98 percent impunity rate for the perpetrators of this brutality, with not a single person brought to trial last year for any of the almost 400 massacres that occurred.

used in the massacre, a point that is particularly relevant given the recent approval of the \$1.3 billion Plan Colombia aid package to the Colombian military despite its rampant human rights violations. This allegation was backed up by the FBI, which issued a report in May confirming that specimens recovered after the massacre came from "a United States designed AN-M41 fragmentation bomb and fuse."

In early December the tribunal will announce its verdict. This is part of a growing movement of international tribunals for crimes that aren't being brought to justice in their own countries. There have been three other international tribunals regarding Colombian atrocities in the past few



A drawing of the massacre by a child from Santo Domingo.

Colombia was represented by two Chicago attorneys at the tribunal, since the government refused to send a representative. But the government did send a sensational video called "La Gran Verdad en Santo Domingo" ("The Great Truth in Santo Domingo"). The video features B-movie, horror-style music and footage of actors dressed as guerrillas negotiating a transfer of 1,300 kilos of cocaine, as an English voice-over describes the government's efforts to "keep the dangerous drugs from reaching the U.S."

The prosecution asserted that U.S.-made helicopters and munitions were

years—two in Canada and one in the Colombian town of Barranca.

"The massacre in Santo Domingo is one among thousands of serious crimes committed in Colombia every year," says Father Javier Girardo, a Jesuit priest who heads the International Commission for Justice and Peace. "International tribunals like this are necessary because even if they don't affect the judiciary, they bring injustice to light in the international community. It shows the government and the paramilitaries that in other parts of the world there are people watching." ■

Nader's People Problem

Ralph Nader has a problem, except it's not really his problem. It's ours. Nader says he's running for president on the Green Party ticket to reinvigorate U.S. politics. It's about building a people's movement, he says. The only snag: When it comes to people of color, queers, feminists and a whole hunk of today's already pretty invigorated youth movement, Nader and the people find it hard to get along.

During his September spin through California, Nader was told off by the National Organization for Women, the (gay and lesbian) Human Rights Campaign, and nine business-oriented people-of-color groups who complained that Nader had marginalized their issues and failed to organize in inclusive ways. NOW President Patricia Ireland called Nader "ill-informed about abortion-rights" and noted that his 10-page mission statement did not mention any explicitly feminist issues: not birth control, not abortion, not violence against women.

Later, speaking on Radioforchange, Ireland claimed that her criticisms had been overplayed. She wasn't "lashing out" as the *San Francisco Chronicle* put it. She was just "pushing or pulling Nader to be better on women's concerns" in the same way he's "pushing" Al Gore to listen to the left.

Nader was having none of it. Clearly annoyed, he bit back: "I've been fighting for women's rights since before Patricia Ireland knew the term."

Referring to NOW's concern that votes denied Gore might result in a slew of Republican picks on the Supreme Court, Nader accused his critics of reverting to "the politics of fear." "It's time for the constituency groups of the Democratic Party to hold that party up to a higher standard," he said, "instead of crawling on their knees to an endorsement because they believe Republicans are worse."

The last weeks of a tight campaign are no time to get Nader's ear. With the race between Bush and Gore too close to call in California, it was easy for his defenders to join him in trashing his critics for acting like tools of the Democratic National Committee. But if Nader is out

to build a movement, he can't just dismiss what he calls "constituency groups" and lecture them about seeing things his way. "Although the most emotionally outrageous things come from racial issues, we have to connect them to the larger picture of class," he told a group of



minority leaders in Milwaukee. "It would be a mistake if we concentrate just on race and not class."

Maybe, but Nader is in zero danger of making that mistake.

By journalist Ruth Conniff's account, there were three black faces in the Green Party convention hall in Denver. In Los Angeles, at the protest around the Democratic convention, where the crowd was irrepressibly young, articulate and not white, the Greens stood out as the one lily-white cluster in every line-up.

And the big Green banners and Nader puppets were noticeably absent from some key events: the protest outside the LAPD police headquarters and the march against the criminalization of immigrants and youth, for example.

Airing this discussion on Radioforchange, I've heard from defensive local Greens who say they recognize the problem. In an effort to broaden their campaign's appeal, party members in Denver are observed S26—a day of international action around globalization—by teaming up with Jobs with Justice in a Justice for Janitors rally. In California, Green Senate candidate Medea Benjamin is touring state campuses and Latino communities, where she's known for her work against sweatshops. She says "diversifying the party" is the No. 1 priority.

But it makes life hard for these local party folks, when the top of the ticket seems quite content to run with an all-white male crowd. On his "Non-Voter Tour," Nader's headliners are Michael Moore, Howard Zinn, John Anderson and Jim Hightower. His running mate, American Indian feminist (and Harvard scholar) Winona LaDuke, has been away for much of the campaign, touring with the Indigo Girls to raise funds for her organization, Honor the Earth.

I'm not calling for "inclusion" Republican-style: line lots of colored folks up and wax lyrical about "us." Nader likes to say his campaign is about ideas, not emotions—well, talking about gender and class is talking about ideas. Look beyond the "emotional outrage" of bigotry, Nader says, to see the "larger picture" of class. That's where he loses us feminists and anti-racists. Race and gender discrimination aren't "emotionally outrageous." They are pillars on which capitalism stands. Unpaid work by women and life-destroying work by peo-

Look beyond the "emotional outrage" of bigotry, says Nader. That's where he loses us.

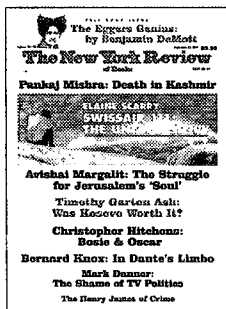
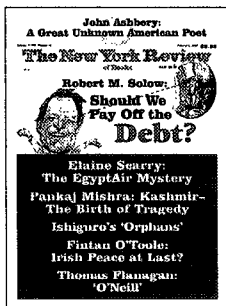
ple whose lives are socially devalued make possible the corporate profits-for-a-few that Nader attacks.

I long to vote for a viable left alternative. I'll do it, for the Greens, most likely, just to make visible the existence of a defiant left. But the people I love in the non-white activist movement won't be coming along. I've not heard one say anything good about Nader. In the words of my friend Peter Chung, a leader in New York's youth action group SLAM, "I've met the Greens and they're all white."

I know the theory is that if the Green Party can win those federal matching funds, they'll really get to take off after November 8, but I fear the ballot box is no place to found a movement. You can't build a people's movement without the people. ■

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SPY HUNTER

An interview with Peruvian journalist Gustavo Gorriti

By Terry J. Allen

Vladimiro Montesinos finally has emerged from the shadows. Throughout much of President Alberto Fujimori's regime, Montesinos has controlled Peru's National Intelligence Service (SIN), key positions in the military and, to a large extent, the president himself. But after the broadcast of a videotape showing Montesinos paying \$15,000 to an opposition congressman to switch to Fujimori's party, the president announced he would resign from office, hold new elections and "deactivate" SIN. The real reasons for Fujimori's actions, however, are rooted in popular disgust with 10 years of corrupt rule as well as Montesinos' close relations with the CIA. With the help of U.S. officials, Montesinos fled to Panama, where he was granted temporary asylum.

Gustavo Gorriti was the first journalist to investigate Montesinos. As a result of his investigations, which began in 1983 and uncovered much of the information just surfacing in the U.S. media, the award-winning Peruvian journalist was forced to leave the country in 1992. Now associate editor of Panama's *La Prensa* newspaper, Gorriti spoke with *In These Times* from Panama City.

Who is Montesinos?

Montesinos was cashiered from the army in the late '70s for, among other things, suspicion of selling military secrets to American intelligence. Then, after a stint in military prison, he became a narco-lawyer and an all-around strategist, legal and otherwise, for various drug-trafficking organizations. By 1986, he had insinuated his way back to advising people in powerful positions in law enforcement, such as the attorney general. And again, he became an intelligence source for the CIA.

Then the opportunity of his life came [in 1990] when Alberto Fujimori surged out of nowhere to become the new president of Peru—and a man with several potential scandals in need of a fixer. Montesinos provided those services and began a "Siamese twin" political relationship with Fujimori, in which Montesinos was the one who planned the abrogation of democracy in Peru, replacing it with a de facto dictatorship.

The organization that really controlled Peru was Montesinos' intelligence service, which grew exponentially during those years and concentrated not only on the usual aspects of intelligence gathering and processing, but on government and private economic activity. He was an influence peddler and a partner in almost every enterprise, through privatization schemes and the awarding of government contracts and licenses.



A protest rally in downtown Lima on September 18. The headline on the sign reads: "Behind every great dictator stands a big assassin. Death penalty for the traitor Montesinos."

In the process, Montesinos demonstrated total ruthlessness that allowed him to swamp all opposition, including within the armed forces—where he elevated those closely related or indebted to him and thereby gained a tremendous degree of control.

In the past, Montesinos and Fujimori have been corrupt, violated human rights and rigged elections—without losing power. Now documentation of a relatively minor act—bribing an elected official—appears to have taken them down. What's different?

It is a cumulative effect. We are talking about a regime that had sowed all the conditions to raise discontent among the people. The degree of alienation from the government has been increasing. The reasons are wide-ranging, from an economy that—despite all the statistical manipulation and misinformation—was entering hyper-recession, to a widespread perception of corruption within the regime, to a pattern of overt abuses and an insulting degree of misinformation through the government-controlled or -influenced press.

In the 2000 electoral campaign, the first two opposition candidates, who had sizable pluralities, were shot down through a relentless, withering campaign of character assassination. The subsequent massive outpouring of support for Alejandro Toledo wasn't just backing for him, but also an expression of opposition to the regime. There was such exten-

sive vote-rigging in the first round and then in the runoff that it would have embarrassed even the North Koreans.

But even then Fujimori's party didn't achieve a plurality, so, in addition to calling on moles they had planted within the opposition, they began a massive campaign of buying opposition votes to gain majority power in congress. The prostitution of this regime just became too much for the people.

How did it happen that Montesinos was taped in his own office?

It was the Nixon syndrome.

It was his own taping system?

Of course. Montesinos had wired the whole area so that he had a tape of every interview as a way of pressuring and blackmailing people eventually. We're talking about thousands of tapes. That is part of how he maintained power.

Somebody got that tape though and used it against him. How did that happen?

There was a long-standing struggle between investigative reporters on the side of democracy and spies on the other. But disaffected spies—some patriotic people shocked by Montesinos' seizure of organizations they loved, and some people resentful of mistreatment by Montesinos—contributed to widespread leaking. And then there were so many tapes, which are so easily mixed up or duplicated, it was very difficult to keep them secure. One of the things that prompted Fujimori and the others to withdraw was their knowledge that several more tapes were missing.

What has been the U.S. role through all this? According to the New York Times, the United States was providing some funds for SIN until last year. Now the administration appears to have soured on the regime and told Fujimori to dump Montesinos. Even the CIA, which stood by Montesinos until recently, became fed up.

Additionally, people within the State Department, like Peter Romero, the top official for the Western Hemisphere, have strongly and unequivocally said that they should get rid of Montesinos.

But perhaps a greater immediate factor for the United States is the case of the smuggled Russian weapons. Some 10,000 Russian assault rifles were purportedly bought by the Peruvian army from the Jordanian army, and air-dropped into Colombian jungle territory controlled by FARC guerrillas.

The press had been investigating the incident for some months when suddenly Fujimori—and Montesinos, who never appeared in public—held a press conference to say that Montesinos had cracked the case and found the culprits: two junior army officers. Fujimori heatedly defended that version, which unraveled completely a few days later. The Colombian, Jordanian and American governments called that scenario ridiculous and maintained that the weapons had been officially sold directly to the Peruvian army, which had smuggled them to the guerrillas with high-level army participation.

Why would Montesinos be supporting FARC? Is it just for the money or is it in connection with drug trafficking?

This is a mafia government run by gangsters. So first, the money and possibly drugs. Second, to make [Colombian President] Andres Pastrana fail miserably. Remember that Fujimori criticized Pastrana's policy attempts to bring peace to Colombia and advanced his own supposedly tough approach. Lima had even leaked to the press that Peru was concentrating troops on the border with Colombia to prevent FARC advances, while at the same time giving them weapons.

You must understand that, as so often happens with spies, Montesinos got so wrapped up in tactics, intrigues and his own dirt that he completely lost sight of strategic goals. He clashed directly with national security imperatives of the United States, which is in a very clear position now of supporting Pastrana through [the \$1.3 billion] Plan Colombia, a sort of bilateral approach to both fighting drugs and guerrillas. And then you have somebody trying to weaken Pastrana and his approach, and also earning some money in the process—obviously, he becomes a threat.

And I think that explains some of the very harsh words that were said about Montesinos and the unequivocal message given by [Secretary of State] Madeleine Albright to Fujimori to jettison his intelligence chief. The United States was quite angry, I think, with Montesinos, and also quite embarrassed because they have been in bed with him for so many years.

Just recently the CIA released documents that Gen. Manuel Contreras of Chile—who was responsible for the 1976 assassination of Orlando Letelier and Ronnie Moffitt in Washington—had been on the CIA payroll. Do you see any parallel between the U.S. role with Montesinos and its association with Contreras?

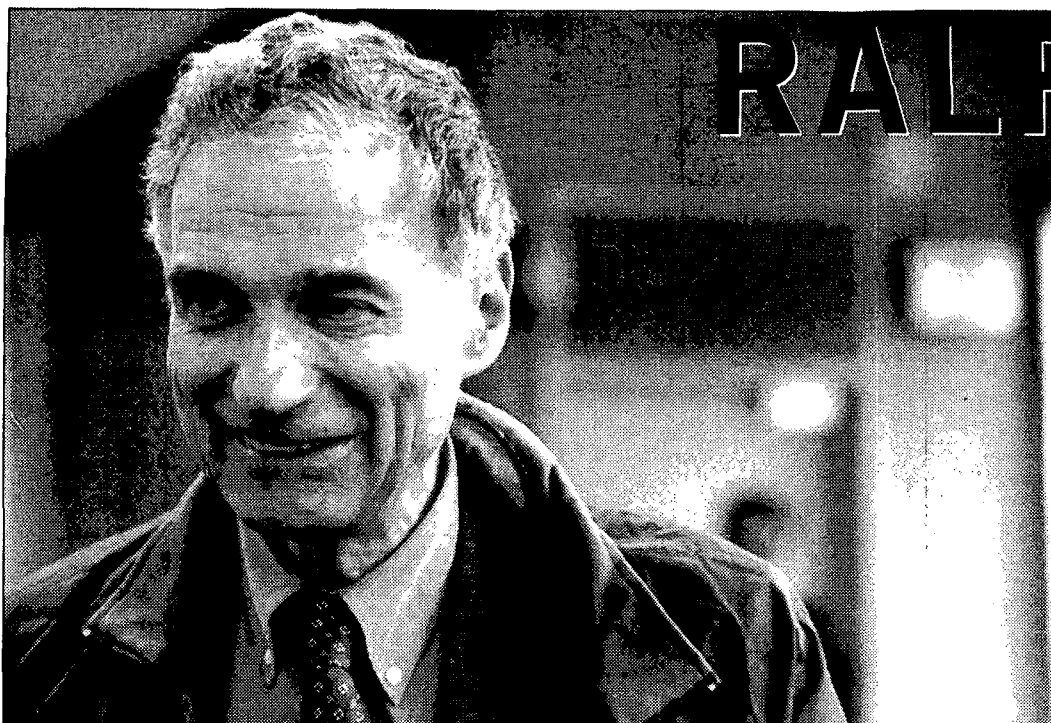
I think the association of Montesinos with the intelligence establishment was much closer than Contreras ever had. He was the U.S. intelligence establishment's most important source in Peru. The parallel with [former Panamanian dictator] Manuel Noriega is closer.

What about the drug war? U.S. drug czar Barry McCaffrey had for some time supported Montesinos.

McCaffrey's brain activity poses no danger of creating any seismic event. There is no doubt whatsoever about Montesinos' role in drug trafficking. In the '90s there were so many consistent accusations of his taking part or taking protection money, that only blind people could fail to see it. But the United States consistently ignored it.

You have been documenting Montesinos for a long time. How does it feel to see him finally exposed in a way that is incontrovertible and public?

It was long overdue. I have followed his career since 1983, and he has followed mine, too. He has tried to silence me, and I have relentlessly continued to expose him. But I don't feel any sense of vindication. The evidence was there, all the time, and it has taught me many practical lessons about the relationship of policy-making and diplomacy to truth. And most of these lessons aren't pleasant, but that's the way things are. As a journalist I have to continue trying to bring clear facts to the public, to the readers so they can't be confused by the jargon of politics, the euphemisms of diplomacy and by all the things hiding the truth—and sometimes, as it was in this case, that truth is nasty, very nasty. ■



RALPH'S WAY WILL HIS STRATEGY WORK? BY DAVID MOBERG MINNEAPOLIS

Katie Darkworth, a middle-aged, well-dressed Ohioan, dashes over to the easily recognizable, lanky figure walking through the airport in his rumpled blue suit. "Ralph Nader," she says enthusiastically, "I'm voting for you. I'm a registered Democrat, but I'm not voting for either Gore or Bush."

Nader thanks her and shakes her hand. That, in itself, is unusual. Although the renowned consumer advocate now running for president as a Green Party candidate has public recognition and respect that would make any politician envious, Nader tries to avoid being identified in places like airports. He is slow to shake hands with potential supporters and proudly declines to be photographed kissing babies. Clutching his file folders and newspapers, he's more at home with serious policy talk than idle chit-chat.

Though privately witty and amiable and publicly supremely self-confident, he can seem shy and certainly averse to dramatic self-promotion. "Turn down the klieg lights," he said disapprovingly at the start of a rally in Ann Arbor, Michigan, during a mid-September campaign swing through the upper Midwest. "This is not show business, after all."

Compared to George W. Bush—all smirk, no substance—or Al Gore, with his contrived bonhomie, Ralph Nader is the anti-politician. Yet many voters this year are drawn to his straight talk and principles. After nearly 40 years as a gadfly and consumer advocate who shunned electoral politics (until a symbolic presidential bid in 1996), Nader has now concluded that citizen groups have lost their ability to win without a drastic change in American politics.

By running for president, Nader hopes to build a new civic movement, a mobilization of a million citizen-activists who will not only make the Green Party an electoral force, but also revive the grassroots energy of past movements in America—from the anti-slavery abolitionists to the agrarian populists, the women's suffragists to the civil rights marchers. "This campaign is not about leaders producing followers," he told a crowd of 12,000 at the Target Center in Minneapolis on September 22. "This campaign is

about leaders producing more leaders. This campaign is about thinking, not slogans and photo opportunities. It is important to have beliefs, but it is important first to have some thoughts."

There is widespread popular support for much of Nader's core message—curbing corporate power, providing universal health insurance, taming globalization, public financing of campaigns, making public higher education free and strengthening environmental protection. Despite his limited funding and exclusion from the presidential debates, Nader was drawing high single digit support over the summer. After Gore's August transformation into a populist (thanks partly to Nader's threat), Nader's support dropped, though a September Harris poll gave him 6 percent of voters nationally. His relative success reflects his personal appeal, liberal discontent with Clinton and Gore, and the popularity of his program. But there are still serious doubts about his strategy even among those who admire him, agree with his policy goals and hope for a new anti-corporate movement.

As Nader criss-crossed Wisconsin, Michigan and Minnesota on his "Non-Voter Tour," he packed auditoriums consistently with 1,000 to 2,000 people in Milwaukee, Madison, Ann Arbor, East Lansing and Flint—and he probably would have done so even without the help of celebrities like former talk show host, Phil Donahue, a longtime friend and admirer, or film and TV personality Michael Moore, who once worked for Nader. While students swelled the campus audiences, the crowds—especially in Minneapolis and Flint—also included unemployed workers and middle-aged investors, farmers and nurses, spiked-haired youth and balding lawyers. There were some alienated drop-outs as well as independents and even a few Republicans, but most were disenchanted progressive Democrats, supporters of figures like Jesse Jackson or Minnesota Sen. Paul Wellstone.

The typical Nader campaign speech is a rambling free association for an hour or more through a kaleidoscopic variety of issues, moving quickly from campaign finance reform to govern-

ment regulation, military contracts, corporate subsidies, income inequality, environmental degradation, civic education, corporate crime, workers rights and much more. But there is a consistent theme: "This election is all about power, the concentration of power in the hands of a few."

Corporate power has corrupted politics and culture, destroyed jobs, created inequality, and undermined the rights of citizens and workers around the world, Nader says. The two-party system in the United States is a "fraud," he insists. "They are not essentially different parties, but one corporate party with two heads and different makeup."

Nader inveighs against a host of corporate misdeeds, including "corporate managed dictatorial trade" (popularly known as "free trade"), "environmental violence" (as he says "pollution" should be seen), "corporate welfare as we know it" (like the public subsidies to the Texas Rangers' stadium that made Bush rich) and "brutalizing commercial culture" (that turns kids into a "generation of spectators"). He attacks "corporate crime" (that takes a far higher toll than street crime annually in death, injury and money lost from occupational disease, faulty products—like tires—and consumer rip-offs) and "corporate extremism" (in both political influence and business practices, such as redlining and usurious lending rackets). He denounces corporate agribusiness (destroying family farms and the environment), corporate control and abuse of public property (from the airwaves to the national forests), pharmaceutical companies (overcharging for drugs often developed at public expense) and military contractors (producing unneeded "gold-plated weapons systems"). The list goes on.

The answer, he insists, is developing "people power" to challenge corporate power, and the "key reform" is to adopt public financing of elections to minimize corporate financial influence on politics, "the boulder on the highway to justice."

While he dismisses Bush as "beyond the pale," Nader directs his most withering criticism at Clinton, Gore and Lieberman. Nader says Gore is a "political coward" suffering from "a serious character problem" who has shown an "extraordinary subservience to corporate power" and is "disgusting" in the way he panders to black church audiences while doing so little for their communities. In his eyes, Lieberman is an even more loathsome apologist for corporations.

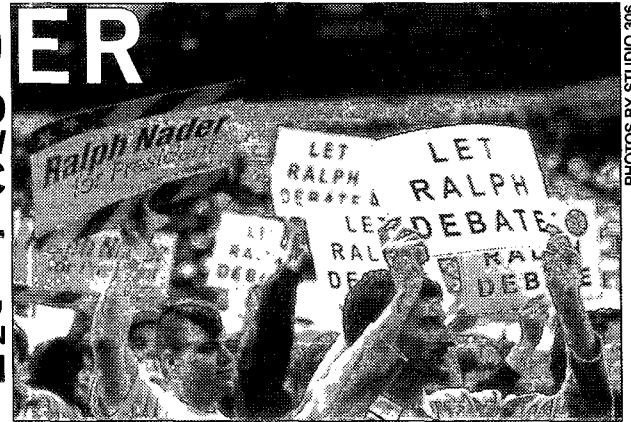
Brandishing a recent issue of *Business Week*, whose cover asked "Too Much Corporate Power?" ("yes," said three-fourths of those surveyed), he taunts the Democrats: "This magazine is to the left of the Democratic Party. Is the Democratic party making corporate power the cover story of the 2000 campaign?"

Oddly, apart from some of the denunciatory rhetoric, much of what Nader advocates was in the mainstream of the Democratic Party not so many years ago—and is standard practice in most of Western Europe. His answer to poverty is adoption of a "social wage," universal health insurance, higher minimum wages, and free public higher education. He also wants more public investment in transit, promotion of solar energy, reconstruction of the cities (including affordable housing and community policing) and a strengthening of trade unions. Like most European governments, Nader advocates treating drug abuse as a health problem, not a crime, and opposes the death penalty.

Nader's overriding attention to corporate power, class and broad social democratic solutions has provoked some criticism that he has ignored racism and issues of gays and feminists. On his Midwest tour, especially in a Milwaukee press conference with some local African-American and Latino leaders, Nader addressed some black community issues, like police misconduct, the war on drugs, capital punishment and environmental racism. But he also insists "it is a mistake to concentrate on race and not class, or class and not race. There's a mutually reinforcing vicious circle of race and class."

Typically, Nader adopts solidly progressive views on social policy but emphasizes issues of social class and power. When asked about gay rights, he says simply that he favors "full equal rights and responsibility across the board." He rarely mentions abortion rights, which he supports, "for the same reason that I don't talk about rights to public accommodation—it's a settled issue." He argues that Bush knows any attempt to overturn *Roe v. Wade* would doom the Republican Party because popular support for abortion rights is so strong.

NADER HOPES TO BUILD A NEW CIVIC MOVEMENT, A MOBILIZATION OF CITIZEN ACTIVISTS.



PHOTOS BY STUDIO 306

Most criticism from liberals and progressives, however, is directed at Nader's strategy, including his argument that the Democrats and Republicans are virtually identical on most major issues (with the exception of abortion and gun control). Assuming that one of them will win, the argument goes, Gore is better than Bush. Nader (and his advocates) offers a variety of disparate rejoinders: Voters should vote their hopes, not their fears, and follow their conscience. Or the party differences are just rhetorical and not really significant. Or Gore will win anyway, so don't worry. Or Bush isn't Genghis Khan, but a Republican moderate. Or if Bush wins, Democrats will put up a more progressive fight than they will with a conservative Democratic president. These arguments, taken together, are not completely consistent, but there is arguable plausibility to most of them. They don't, however, constitute a strategy.

Nader's conviction that the Democrats are now no different from the Republicans grew out of his battles over the global economy. "I think the real turning point was NAFTA and GATT, when they put it to organized labor, which has been the cause of one Democratic election after another," he says. "And when they refused to exert any war-room mentality on behalf of public funding of public campaigns, I knew it was over."

But the problem in each case was Clinton, not all of the Democrats. On NAFTA and other trade legislation, the majority of House Democrats have often opposed the president. Indeed, Nader at times praises Democrats like North Dakota's Byron Dorgan or Michigan's David Bonior and claims that House Minority Leader

Richard Gephardt acknowledges that Nader's campaigning might help the Democrats gain control of the House. It often seems that Nader's real fight is with the conservative Democratic Leadership Council, but he sees no hope for winning that fight without the credible threat of liberals going somewhere else, just as conservative Democrats can threaten to go to the Republicans.

At an editorial meeting of the *Capital Times* in Madison, Nader talks about his encounter as a Princeton undergraduate with longtime Socialist presidential candidate Norman Thomas. Hinting at his own possible strategy, Nader recounts asking Thomas his greatest accomplishment, to which Thomas replied, "having my agenda stolen by the Democratic Party." Yet Nader, who argues the Democratic party is irremediably corrupt, also talks about leading the Greens into a "death struggle" with the Democratic party to determine which will be the majority party.

While riding between campaign stops in Michigan, Nader talks at length about how he saw the campaign fitting into his long-term vision for American politics. Although he argues that Democrats who share his views should think strategically and vote for him in states where either Bush or Gore is far ahead (say Texas or New York, respectively), Nader rejects the corollary that people should vote for Gore in states where the race was close. "If you ask me," he says, "I wouldn't vote for Gore under any circumstances."

He acknowledges that if he were voting in the district of a progressive Democrat congressman, like Rep. Henry Waxman of California, he would support Waxman. Then again, if there was a Green candidate, even a weak one, he said he would vote against his longtime ally. "There's an overriding goal here, and that's to build a majority party," he says. "If you're going to build a new party, you go all the way."

"I hate to use military analogies," he continues, "but this is war on the two parties. After November we're going to go after the Congress in a very detailed way, district by district. We're going to beat them in every possible way. If [Democrats are] winning 51 to 49 percent, we're going to go in and beat them with Green votes. They've got to lose people, whether they're good or bad. They've got to lose people to be put under the intense choice of changing the party or watching it dwindle."

Is his goal to reform the party? "That's their option," he says. "They can dwindle us by really taking our issues and implementing them. That's the kind of competition I want. If they want to have a massive drive on corporate crime and take that issue away from us, fine."

Nader is willing to sacrifice progressives like Russ Feingold in Wisconsin or Wellstone, though he also believes that the Green threat will give them bargaining power within the Democratic Party. "That's the burden they're going to have to bear for letting

their party go astray," he says. "It's too bad. It isn't that we haven't given them decades, and they got worse and worse. It isn't like we have a choice. Every four years they get worse."

But can the Green Party really become more than just an irritant to the Democrats? Currently the party consists of an association of state parties, some independent state parties, and a small Greens/Green Party USA that are trying to settle their ideological differences—plus the Nader campaign apparatus. Nader, however, is not a member of any Green Party and doesn't intend to join (a stance shared by Michael Moore). "I don't want to get involved in intraparty disputes," Nader says, claiming he can build the party better by attacking corporations and opponents and trying to recruit good people. "I can't stand the loss of time that's involved there. If I was a Green Party member, I'd have to take sides internally. I want to focus it externally on the adversaries."

In Nader's vision, the Green Party can succeed by recruiting a million people who each contribute \$100 a year and 100 hours of their time to build a "civic action" party that fights on issues in between elections, allying with labor and community groups and building storefront offices to help consumers. It sounds appealing, but there are probably fewer than a million highly active members in all existing progressive organizations. They're all flawed, Nader responds. Community groups have been "self-limiting" because they shun electoral politics, he

argues, and electoral efforts like the New Party rely too much on building up from the local level without a national presence. In any case, he says, "if the level of discontent that I see around the country doesn't amount to a million people willing to make a modest commitment, then we don't have what it takes in this country. I want to put it to that test."

"The only way you can fight corporate power is on all fronts," Nader says. "It's no more possible to fight just as an environmental or consumer group. You've got to grab away the media from them with a media strategy. You've got to fight them electorally. You've got to fight them with international mobilizations. You've got to fight them the way we beat the MAI [Multilateral Agreement on Investment] on the Internet. You've got to fight them with shareholder actions ... [and] with repealing Taft-Hartley. Every conceivable way, that's the only way it can be done."

While Nader doubts the Democrats can be reformed, he also argues that the Greens will indirectly help progressive Democrats. "If this party is capable of internal reform," he says, "then everything we're doing is helping the dissidents and the rebels, because they'll say in year 2002 that Gephardt may lose the House because of Green Party candidates. Think of the different kind of struggle where the progressive forces in the Democratic Party going up on Capitol Hill can tell the corporate Democrats that they're going to lose voters because they have a place to go."

Nader hopes that in districts where one party now rules with little contest, the Greens can enter and become the major opposition

"THE ONLY WAY YOU CAN FIGHT CORPORATE POWER IS ON ALL FRONTS."



Ralph Nader: We Can Do Better

By David Brower

I voted for Ralph Nader for president in 1996. By my own reckoning, the first term of Bill Clinton and Al Gore had already done more environmental harm than the 12 previous years of Reagan and Bush. We knew that Ralph Nader's campaign would be token, but we wanted to establish the idea of voting for what we want, not what we least don't want.

Since then progressive trade unionists, environmentalists and human rights activists have demonstrated the capability to create a new political movement in this



DAVID BACON

country and across the globe. My own participation in this movement began in early 1999, when I helped the United Steelworkers found the Alliance for Sustainable Jobs and the Environment (ASJE). This alliance is best summarized by the Steelworkers' David Foster: "If you will promise to make sustainable jobs a product of environmental protection, we will promise to make environmental protection our most important job."

ASJE marched in Seattle along with tens of thousands of union members, environmentalists, and human and animal rights activists. Shutting down the World Trade Organization meeting was just the beginning. This much publicized but too little understood public uprising last November marked a turning point for progressive activism in America, yet it remains a political orphan in this election year. Subsequent rallies in Washington, Philadelphia and Los Angeles have only strengthened our movement in spite of the increasingly unconstitutional crackdown on nonviolent organizers. Are the people who marched (or know they should have) and withstood police brutality to stand up for their convictions willing to swallow all that pride and vote for Al Gore, a pro-death penalty, pro-globalization candidate swimming in corporate cash? I wouldn't bet on it.

It's not enough to protest in the streets, we also need champions in the halls of power. We need to have a

way to express, through the ballot box, both our dissatisfaction with our current political choices and our firm optimism that we can do better, that we must do better.

In this election, Ralph Nader and Winona LaDuke provide a unique and wonderful opportunity to register that electoral expression. Are there risks in this strategy? Of course.

But what about the risk of continuing to hold our collective nose and vote Democratic? *Global Environmental Outlook 2000*, a three-year study by the U.N. Environment Program, recently warned of mounting evidence that human beings are seriously destabilizing the nitrogen balance, a problem that could make fresh water supplies unfit for human consumption. The document states that 80 percent of the world's forests have been destroyed or degraded, 25 percent of all mammals are at risk of extinction, and greenhouse gases have quadrupled in just four decades. Do you think these trends reversed or even slowed during the blind growth of the Clinton-Gore years? Think again.

Rather than attempting to meet these undeniable challenges, both parties ignore them and remain unwilling to stand up to the oil, timber and mining barons causing so much of the damage. Our friends in the Democratic administration passed logging without laws, weakened marine mammal protection, extended the use of ozone-destroying methyl bromide and reversed the ban on PCBs. And this is the lesser of two evils!

Perhaps worst of all, this administration passed GATT and NAFTA, trade agreements that hand our environmental laws over to non-elected tribunals that meet in secret. Al Gore says he is for strong environmental laws (including many written by Nader), yet he champions a trade body with the power and propensity to remove these same protections.

Gore's trump card in this election is the strong economy. But what he calls a great economic boom is in truth a global liquidation sale. Gore and his even less-worthy opponent both demonstrate a failure to grasp the essential fact that the earth's natural capital (the life-supporting ecosystems) is being sold off for cash.

Ralph Nader understands this. He also understands that you don't shrink from challenge and let great opportunities pass you by. *In These Times* editor Joel Bleifuss recently urged progressives to vote for Gore, then start building "an independent political force" (see "Let's Win This One First," September 18). This is nonsense. The time to build a new political force is *during* an election campaign, when people are paying attention, when we have an American hero like Ralph Nader as our candidate. Once Gore is in office, our ability to pressure him will be greatly enhanced if we win a sizable vote in the election. If we capitulate again just to "win this one," we will be (and deserve to be) laughed off by the Democratic Leadership Council-dominated corporate pawn that is the Democratic Party today.

Don't sell your soul to fear in this election. Choose hope and vote for a future that is unpredictable, rather than the downward spiral we can see plainly in front of us. After all, risk is the spice of life, variety is just the meat and potatoes. Vote Nader, and begin to create a future you can really believe in. □

David Brower is past president of the Sierra Club and the founder of Friends of the Earth and the Earth Island Institute.

THE SYSTEM DOESN'T WORK

Just ask Ellen Reasonover

By Steve Weinberg

On the day Ellen Reasonover walked out of a Missouri prison after serving 16 years for murder, Cheryl Pilate was there to drive her home. As Reasonover's lawyer, Pilate was feeling proud, to be sure. She had come to believe fervently in Reasonover's innocence, and just as fervently that her client had been railroaded by a St. Louis prosecutor. A federal judge finally had agreed.

But Pilate was not buying into the platitude about how Reasonover's release in August 1999 showed that the system works, however tardily. No, what Pilate saw was a criminal justice system contaminated by prosecu-

torial misconduct, a system that sends innocent men and women to prison far more often than is generally acknowledged.

In the five years since Pilate had agreed to serve as Reasonover's last-ditch lawyer, she had learned that a depressing sameness characterizes wrongful convictions: It is difficult to unmask prosecutorial misconduct, and ridiculously hard to persuade judges to free those imprisoned because of such misconduct. Each case takes a superhuman effort, and few prisoners find superhuman help.

On the Reasonover case, Pilate had worked

longer hours than ever before, long even by the standards for associates in her 12-lawyer firm. Of course, she didn't do it alone. It took many people to ferret out the truth: Colleagues in her Kansas City firm of Wyrtsch, Atwell, Mirakian, Lee and Hobbs, as well as in a small St. Louis firm where the principal lawyer chose to risk his livelihood by signing on; a New Jersey minister-turned-detective who revived the case; a police sergeant who risked the scorn of fellow cops; career criminals with lots to lose who stood up for Reasonover anyway; a private investigator who appeared from nowhere with an amazing piece of exculpatory evidence; an unlikely federal judge.

What were the odds of all those people coalescing to help Reasonover win her freedom? A thousand to one? Probably more like a million to one, Pilate decided.

Conventional wisdom about wrongful convictions as aberrations due to good-faith mistakes by police officers and prosecutors—rather than deliberate actions or reckless indifference—is crumbling. Illinois Governor George Ryan, recognizing that in his state as many men on Death Row have been exonerated as have been executed, halted executions. Los Angeles Police Chief Bernard C. Parks acknowledged that his officers had framed dozens, maybe hundreds, of people; prosecutors moved ahead with the cases anyway, not knowing or not caring that the cops were the criminals. DNA testing is demonstrating how frequently prosecutors charge innocent individuals. There are more than 80 documented cases in which DNA evidence or other factors have led to the exoneration of inmates on Death Row. There are not precise statistics on non-Death Row exonerations, but the numbers are certainly in the thousands.

The linchpin of the wrongful conviction phenomenon is prosecutors more committed to winning than to justice. In this respect, Ellen Reasonover's case is a typical wrongful conviction saga. There are more egregious examples, but hers has more to teach.

On January 2, 1983, James A. Buckley was murdered about 2 a.m. at a Vickers service station in the Dellwood area of St. Louis County. The 19-year-old white male had been shot seven times, with robbery as the apparent motive.

When 24-year-old Ellen Reasonover heard about the murder on the news later that day, she mentioned to her mother that she had stopped at the service station after midnight to get change for the laundromat. Her mother urged her to contact the police. She called the next day but, out of fear of coming forward, identified herself as Sheila Hill.

She agreed to meet Capt. Dan Chapman the following day, when she revealed her real name. Reasonover told her story and explained she had seen a black male walking away from the cashier's cage. She assumed he was the attendant, but he never responded to her knocking. She saw two other black men on the lot. Reasonover said she drove to a convenience store to get change there instead. Chapman asked Reasonover to look through mug shots.



She identified suspects after police urged her to point out any similar features of the men she had glimpsed in the dark. Then Reasonover passed a stress test, which is basically a modified lie detector test.

Police and prosecutors began to suspect Reasonover when they determined that two men whose mug shots she had pointed to were in custody at the time of Buckley's murder. Could Reasonover be deflecting suspicion from herself? Then police learned that a few days before the murder Reasonover had filed a complaint against a boyfriend, Stanley White, for breaking her car windows. White's car matched the description of one Reasonover saw at the Vickers station. Was Reasonover fingering White as a murderer for revenge?

While Reasonover had no criminal record, law enforcement officers knew of her family. A half-brother had killed his girlfriend and her sister. Another half-brother had robbed a local supermarket. The noose tightened after police and prosecutors learned that in 1978, while working at a Vickers station, Reasonover had been accused by the manager of robbery. Although Reasonover was never tried, police and prosecutors interpreted the allegation as damning. On January 7, police gave Reasonover a second modified lie detector

What were the odds of Reasonover winning her freedom? A million to one?

test. She still had no lawyer. This time she failed. She was placed under arrest.

The arrest raised red flags often seen in wrongful convictions. There were no witnesses, no murder weapon and no blood, hair, fingerprints or other physical evidence linking Reasonover to the crime. And once investigators had locked in on Reasonover, they halted inquiries into other suspects such as Buckley's customers who bought marijuana from him during work hours, an individual Buckley had fought with at a party the month before, or area robbers with a similar modus operandi.

Conscious or not, racial stereotyping played a role as well. Police also had interviewed two white males who had stopped at the service station near the time of the murder. Looking at a photo array, one witness said a black individual "came the closest" to a man hanging around the service station. It was one of the photos singled out by Reasonover. The other witness provided a description of a second black male similar to one given by the first witness. Yet when descriptions by the white witnesses failed to pan out, they did not end up as suspects like Reasonover, a poor black woman from the neighborhood.

Police locked Reasonover in a cell, not allowing her to see her 2-year-old daughter Charmelle. That same evening, police locked Stanley White in a nearby cell to see what they would discuss. Nobody told Reasonover and White their 56-minute conversation was being taped. But

rather than discussing the murder they allegedly committed, Reasonover and White expressed puzzlement, laced with anger, about their incarceration. Prosecutors filed the potentially exculpatory tape away without ever mentioning it to Reasonover or the lawyers who would represent her.

After recording the conversation, police and prosecutors released White, then transported Reasonover to a different jail. Sharing her cell were two other women,



Rose Joliff and Marquita Butler. In that cell, Reasonover allegedly confessed to Joliff. Reasonover denied confessing. There was no tape recording. Furthermore, Butler confirmed Reasonover's version, despite inducements from Chapman and St. Louis prosecutor Steven H. Goldman. The next day, Reasonover was free to go, without supervision. But police and prosecutors did not forget her.

On January 12, police and prosecutors taped a telephone call from the still-incarcerated Joliff to Reasonover on the outside. During the conversation, Reasonover spoke of her innocence eight times—to the same woman who supposedly had heard an unprovoked confession five days earlier. Again, prosecutors filed away the seemingly exculpatory tape.

Public pressure was building to charge somebody with the Buckley murder and make it stick. A month after releasing Reasonover, police and prosecutors found a reason to return her to custody—a February 3 robbery at a Sunoco station. Again, there was no physical evidence, no proof of a connection between Reasonover and two alleged black male perpetrators. There was only eyewitness identification by a white male attendant, whose original description of the female perpetrator failed to match Reasonover in at least three significant ways.

But the arrest yielded a new opportunity to interrogate another set of Reasonover's cellmates. Knowing that fingering Reasonover would be in their interests, three of those cellmates nonetheless maintained Reasonover never implicated herself. However, a fourth cellmate told police and prosecutors what they wanted to hear. According to Mary Ellen Lyner, the only white prisoner in the cell at that juncture, Reasonover walked into the cell and almost immediately said, "Those motherfuckers picked me out of a lineup. I told them we should have blew their brains out, too." A bit later, Reasonover allegedly told Lyner: "Girl, we robbed a gas station and killed a man, you know, that Vickers station. I stay right down the street from there."

Goldman had Jolliff and Lyner to testify against Reasonover but wanted more. On February 25, he asked

One cellmate told police and prosecutors what they wanted to hear.

police officer Marsha Vogt to enter Reasonover's cell disguised as a fellow inmate and wearing a hidden recorder. Reasonover said nothing incriminating, however. The prosecution once more filed away potentially exculpatory evidence.

The Sunoco robbery proceeded to trial July 12, 1983, with Reasonover as the lone defendant. Goldman went for a conviction on the lesser crime first, so he would have the option of introducing a criminal record at her murder trial. Despite the inconsistent evidence and the failure of the prosecutor to charge any alleged accomplices, Reasonover was found guilty and sentenced to seven years in prison.

When Goldman took Reasonover to trial on the Buckley murder charge four months later, he still had no physical evidence or eyewitnesses. So he put his jailhouse snitches on the stand. Lyner described her criminal record as "eight bad check charges, four stealing charges and one misdemeanor assault." Lyner admitted to cutting a leniency deal with Goldman, but downplayed it by swearing it was her first ever.

Jolliff swore her testimony was given without any promise of leniency for her bad checks and mail tampering charges. In his opening statement, Goldman told the

jurors Jolliff "wasn't offered any break on the case or anything." In his closing argument, Goldman emphasized Jolliff "doesn't have a reason in the world to be lying." She "shouldn't be criticized" for her life of crime, but rather "put on a pedestal for ... testifying in this case."

Reasonover's private-practice lawyers Forriss Elliott and Madeline Franklin put on little of a defense, inexplicably failing to call Reasonover's cellmates to contradict Jolliff and Lyner's testimony, to probe whether the snitches' criminal histories and deals had been fully disclosed, to question the undercover policewoman who they knew from sources had heard nothing to indicate guilt, or to dispute the police version of the interrogation sessions.

It was not completely for lack of trying, however. After Reasonover's indictment, defense attorneys asked the prosecutor for written or recorded statements by the defendant and electronic surveillance conducted during the murder investigation—material that tended to negate guilt or weaken prosecution evidence. Her conversations with White, Jolliff and Vogt fell into at least one of those categories, but the prosecution never produced them.

On December 2, 1983, an all-white jury found Reasonover guilty. "You know what she deserves," Goldman said during the sentencing phase. "Somewhere in Ellen Reasonover's life she decided that killing a person is like taking a drink of water. ... That's what it means for her." The jurors came within one vote of granting the prosecutor's wish for a death sentence. Because of the 11 to 1 split, the judge gave Reasonover life without possibility of parole for 50 years.



In 1984, the *Washington Post* decided to investigate Reasonover's conviction based on a tip. The *Post* story mentions the police eavesdropping on Reasonover and White's jailhouse conversation in passing. Although the *Post* reporters had no idea of its exculpatory nature, they doubted Reasonover's guilt based on the absence of evidence other than the testimony of two jailhouse snitches.

The *Post* article boosted the morale of Reasonover's appellate lawyers, who had learned just enough about the tape to protest its nondisclosure. The state replied that because Reasonover and White "did not discuss anything of substance concerning the killing," the prosecution "should not be faulted for not disclosing a conversation which contained nothing of evidentiary value to either party." In other words, the state was casting doubt on Reasonover's credibility because she never discussed details of a murder she did not commit.

The appellate court, which never asked for nor heard the tape, ducked the controversy: "Although it would

appear that [the tape] should have been disclosed to the defense," reads the judges' decision, "absence of any indication in the record of the content of the conversation prevents our determination of whether the state's failure in this regard amounts to prosecutorial misconduct warranting reversal."

The judges brushed aside prosecutorial failure to fully disclose deals with Joliff and Lyner, saying they were confused by the criminal-history printouts of Lyner and Joliff filed by Reasonover's lawyers and so would not bother with that evidence. Concerning an allegation in Reasonover's petition about Goldman's interrogation of Chapman and Lyner, the appellate court conceded the prosecutor "was consistently blatant in his use of leading questions." But the judges noted Reasonover's lawyers failed to object to the leading questions.

After the Missouri Supreme Court failed to grant relief, Reasonover's lawyers petitioned the U.S. Supreme Court, alleging a "consistent pattern of deception and cover-up by the [prosecution]" that "infected the integrity of [Reasonover's] conviction." The Supreme Court denied *certiorari* on March 23, 1987.

The next step was a post-conviction petition in the state courts. George Hairston, a New York lawyer from the NAACP, arrived in St. Louis for that purpose on July 12, 1988. He learned to his dismay that the deadline had been June 30.

The missed deadline left only the *habeas corpus* route, which required Reasonover to prove actual innocence—a monumental burden that is almost never overcome. Unsurprisingly, federal Judge Stephen N. Limbaugh denied Reasonover's *habeas* petition on November 20, 1989.

While Reasonover's appellate lawyers despaired, she found hope after writing to Jim McCloskey of Centurion Ministries in Princeton, New Jersey in March 1987. Reasonover knew of McCloskey thanks to a magazine article about the exoneration of Nathaniel Walker, convicted in 1975 of rape in New Jersey. Twelve years later, McCloskey persuaded the prosecutor to test the semen on a vaginal swab taken from the victim. The blood type developed from the semen exonerated Walker.

Walker was the third inmate McCloskey had helped free. During his divinity studies, McCloskey had met George De Los Santos, a convicted murderer who maintained he had been framed. McCloskey conducted his own investigation, came to believe De Los Santos and helped free him in 1983—at which point the freshly minted theologian raised money, hired a small staff and rounded up volunteers.

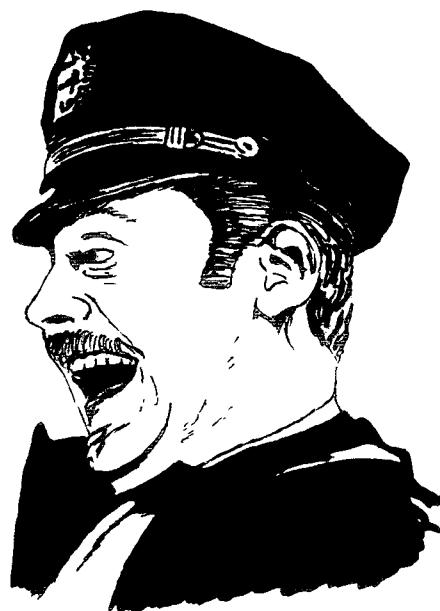
By reading Reasonover's letters, McCloskey learned her conviction had hinged on jailhouse informants. Centurion Ministries decided to make the Reasonover case a priority when the staff could get to it. Finally in 1993, McCloskey and investigator Paul Henderson traveled to Missouri to investigate first-hand. While a *Seattle Times* reporter,

Henderson had won a Pulitzer Prize for his investigation that freed an innocent man convicted of rape.

Hearing about Centurion Ministries' effort on Reasonover's behalf, Steven Goldman went on the offensive. He had become a state court judge in 1988. From his perspective, he had done his job in 1983—taking the information developed by police, convicting a killer, then seeking the death penalty. Goldman felt certain about Reasonover's guilt. Secure in his judgeship and years away from active involvement in the case, Goldman could not let it rest. He attacked Centurion Ministries and others working to help Reasonover in letters to the *St. Louis Post-Dispatch* after its reporters chronicled new developments.

Not cowed by Goldman, McCloskey retained a new lawyer for Reasonover—James R. Wyrsh in Kansas City. With its modest budget, Centurion could not afford to pay full hourly rates. On the other hand, McCloskey had no intention of asking for *pro bono* representation. That meant being placed on the back burner. Wyrsh tapped Cheryl Pilate to help. She was later joined by attorney Charles Rogers, who recently had joined the firm after 18 years of public defender and death penalty defense work.

Pilate found little reason for optimism while studying the voluminous files in her comfortable 30th floor downtown office. OK, Pilate thought as she labored to absorb the information—why is there any reason for hope? Even if she agreed with McCloskey that Reasonover was



Once police locked in on their suspect, they halted all other inquiries.

innocent, Pilate knew the only strategy left with all appeals exhausted would be persuading a judge to reconsider on grounds of actual innocence—a strategy that rarely succeeds when that evidence has been withheld by the prosecution.

Yet Pilate persevered in part because she truly liked Reasonover. Prison had depressed Reasonover but not hardened her. Easygoing, with a childlike naivete, seemingly unconscious of race, not prone to jailhouse lawyering, Reasonover was easy to warm to. Twice, Pilate paid to fly Reasonover's teen-age daughter from St. Louis to Kansas City. Pilate would pick up Charmelle at the airport, then drive her several hours to the prison in Chillicothe.

While re-interviewing prosecution witness Kenneth Main, who had stopped at the service station near the time of Buckley's murder, Henderson, the Centurion investigator, learned he had heard part of the Reasonover-White tape at the police station before the 1983 murder trial. Main remembered little about the substance of the conversation, but recalled his disgust at the filthy language Reasonover and Stanley White were using. When Pilate learned a prosecution witness had heard portions of a tape still unavailable to the defense, she was confused and angry. What was going on?

Pilate decided to try to find the tape at the Missouri attorney general's office, which had represented the state during Reasonover's appeals. But Gary L. Gardner, an assistant attorney general, said he could not locate the tape. Besides, he said, the contents were unimportant. Steven Goldman had told him so.

During a trip with McCloskey to St. Louis in October 1995, Pilate asked Goldman's successors to produce the tape. Inwardly, she had little hope of ever hearing it. Pilate tried to be patient while John D. Evans from the prosecutor's office conducted his search.

On that same trip, Pilate lunched with Goldman near the courthouse. He was pleasant enough. She found herself thinking maybe he was not the prosecutor from hell after all.

Pilate couldn't believe it when she heard that Evans had found the tape in storage. Word of the discovery arrived in February 1996, about four months after she had spoken with him. It would have been so easy for Evans never to look—or, having found the tape, to continue its suppression.

On the tape, which indeed was filled with swearing and street slang, Reasonover tells White a story consistent with what she told the police. With evidence like this finally disclosed, Pilate wondered, how could the state oppose release on grounds of actual innocence?

Despite her elation upon hearing the tape, Pilate's optimism shattered quickly. Nobody in the Missouri attorney general's office would discuss anything about the Reasonover case, much less exoneration. With informal bargaining ruled out, Pilate realized she would have to persuade a judge that the *habeas* route rejected in 1989 needed to be granted in 1996.

Pilate worried about which federal judge in St. Louis would draw the assignment. Somehow, the assignment ended up with U.S. District Judge Jean C. Hamilton, a Republican appointee with a prosecutorial background. Nonetheless, Pilate found reason to be upbeat. First, at least she wasn't Stephen Limbaugh, who rejected Reasonover's *habeas* appeal in 1989. Second, Hamilton had been the judge in an actual innocence case that later reached the Supreme Court.

As the defense team and the Missouri attorney general filed competing blizzards of paper, Pilate began to wonder if Hamilton was sympathetic. Month after month, the judge said nothing as Reasonover's chance at freedom ticked away. Would Hamilton subscribe to arguments from Missouri Attorney General Jay Nixon and his assistant

PUNISHMENT FOR PROSECUTORS

When a medical doctor is sued by a patient for botching a surgical procedure, it's not front-page news because it happens so frequently. But in some instances, the doctor is punished by a jury, then by a state medical licensing board.

When a prosecutor violates judicial canons by convicting an innocent person of a crime despite obvious reasonable doubt, however, the chance of that prosecutor being punished is near zero. Tradition has decreed, against all common sense, that prosecutors should be immune from punishment—even though a wrongful conviction ruins numerous lives while the actual perpetrator of the crime remains free to murder, rape or steal again.

Prosecutors certainly need protection from frivolous lawsuits filed against them for doing their job. But absolute immunity seems excessive, especially given the qualified immunity alternatives that have been developed in the law.

The Supreme Court gave prosecutors broad absolute immunity in the 1976 decision *Imbler v. Pachtman*. Los Angeles prosecutor Richard Pachtman had helped put Paul Imbler on Death Row for a 1961 murder. Much later, to his credit, Pachtman told the California governor that Imbler appeared to be innocent according to new evidence. State courts did not grant Imbler his freedom, but a federal court did, based on serious prosecutorial misconduct that included suppression of fingerprint

evidence and use of misleading testimony from an eyewitness. After his release from prison, Imbler sued Pachtman and several police officers. Despite a strong case, Imbler could not overcome the precedent of prosecutorial immunity.

The *Imbler* ruling raised the disturbing possibility that prosecutors could not even be penalized for violations of *Brady v. Maryland*, the best-known Supreme Court case mandating prosecutors to turn over potentially exculpatory evidence to the defense. That raised the specter of prosecutors withholding evidence from the defense willy-nilly, confident that they would never be punished for violating the rules.

Qualified rather than absolute immunity concerning disclosure of exculpatory evidence would presumably lead prosecutors to err on the side of turning over too much material to the defense, rather

Stephen D. Hawke that the Reasonover-White tape had no evidentiary value? Would the judge believe it was "inadmissible hearsay," as the state argued? Would she buy into the state's language that "a self-serving pretrial statement cannot rise to the level of exoneration"?

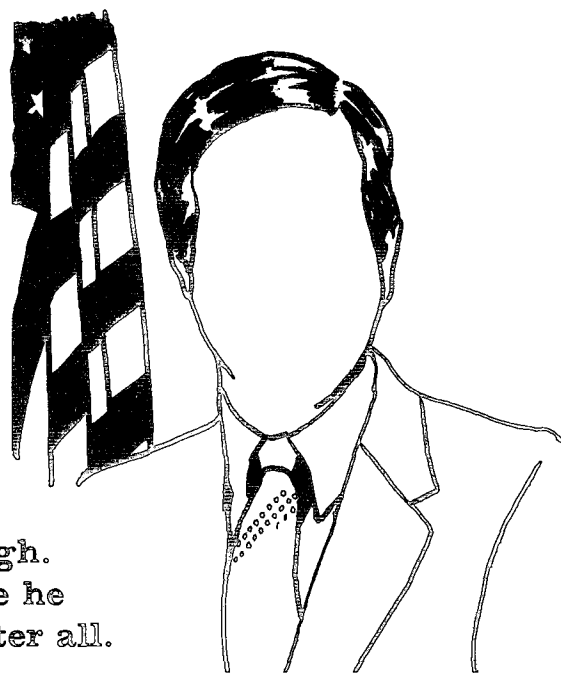
However, the slowness of the process did produce one benefit for Reasonover: In December 1998, St. Louis co-counsel Rick Sindel, whom Pilate had recruited because of the need for a presence in that city, heard from a private investigator who had accumulated material while working on an earlier Reasonover appeal. The investigator read a *St. Louis Post-Dispatch* article about Reasonover on Christmas Day that stirred him to call Sindel. In the investigator's materials, Sindel noticed evidence of an undisclosed leniency deal between Goldman and Rose Joliff, who had denied such a deal under oath.

A memo to a colleague from Joliff's public defender Stormy White before the Reasonover trial opened said Joliff "is going to be a witness in a capital murder case that Steve Goldman is trying. ... After she testifies, she is going to plead guilty to this case and be given probation. The details of the plea can be worked [out] after she testifies. The state does not want to allow ... defense attorneys to bring up any kind of deal that might have been made in Rose's case. I have been assured by Steve Goldman that the state isn't going to burn her, that she will receive probation."

It looked to Pilate as if Goldman had suborned perjury at trial, misled the jury in his closing argument, then

practiced deception at a post-trial hearing. But why would such an intelligent, meticulous prosecutor take such risks? To find out, Pilate asked Hamilton for permission to depose Goldman; Dan Chapman, by then police chief in Dellwood; Joliff, living in Indiana; and Stormy White, who was refusing to confirm the authenticity of the documents.

The deposition request became moot in June 1999, when Hamilton ordered an evidentiary hearing, at which time Reasonover's lawyers and the state could question witnesses under oath and present other evidence. An evidentiary hearing had been Pilate's wish for years, but precedent was against her.



**Steven Goldman was pleasant enough.
Pilate found herself thinking maybe he
was not the prosecutor from hell after all.**

than too little—a more desirable outcome for society as a whole. The Supreme Court has mentioned criminal charges or disbarment as weapons against wayward prosecutors. That reference demonstrates, once again, how divorced the justices can be from reality.

Between 1976 and 1991, lower courts interpreted prosecutorial immunity quite broadly. As splits emerged among the circuit courts, though, the Supreme Court re-entered the arena. Perhaps the most significant of the Court's recent decisions is *Buckley v. Fitzsimmons*, handed down in 1993.

It was derived from one of the highest-profile wrongful conviction cases in decades, a case that started with the 1983 murder of 10-year-old Jeanine

Nicarico in Naperville, Illinois. More than a year after the murder, police and prosecutors arrested three suspects—Rolando Cruz, Alejandro Hernandez and Stephen Buckley.

In 1995, after 10 years on Death Row, Cruz and Hernandez finally won their freedom following a series of convictions, reversals and hung juries in which police and prosecutorial misconduct played major roles; the criminal justice system ground on against Cruz and Hernandez even though a career criminal named Brian Dugan confessed to the Nicarico murder in 1985.

As for Buckley, his trial ended in a hung jury. Before he could be retried, a panel of forensic scientists said the shoe print identification method used by a questionable expert witness who linked Buckley and the crime had no evidentiary value. After his release, Buckley

sued the district attorney for knowingly relying on fabricated evidence. Two courts granted absolute immunity.

But the Supreme Court ruled that the prosecutor did not have the shield of absolute immunity for all portions of his conduct while bringing Buckley to trial. The decision, while putting a chink in the shield, failed to undo absolute immunity for prosecutors who intentionally withhold exculpatory evidence.

In the same murder case, a special prosecutor later filed criminal charges against three district attorneys and four sheriff's deputies for allegedly framing Cruz. It appears the indictment was unprecedented. At trial, all seven men won acquittals. The aura of legitimate police and prosecutorial authority was simply too pervasive to overcome. S.W.

The drama in Hamilton's courtroom began quickly, when the first witness unexpectedly questioned Goldman's credibility. Gary Gardner of the attorney general's office testified that he spoke with then prosecutor Goldman twice during the appellate stage. The first time, Gardner said, he came away believing Goldman had listened to the tape of Reasonover and Stanley White. The second time, Gardner came away with the impression Goldman had never heard the tape. The apparent shift surprised Gardner, who decided against challenging Goldman directly.

Pilate was anxious to see how Goldman would respond. To her surprise, he testified that in 1983 he knew little about court rulings on giving exculpatory evidence to the defense. Goldman conceded the Reasonover-White tape should have been turned over. Justifying his failure to disclose, Goldman said police misinformed him about the contents of the tape, so he never listened to it. He assumed the police had destroyed it.

"Did you try to find out why it had been destroyed or taped over?" Sindel inquired.

"I never asked," Goldman replied.

Goldman's testimony did not square with the version presented by Chapman, who—though unified with Goldman about Reasonover's guilt—would not share the blame for suppressed evidence.

"Did you tell anyone that you or any other member of the police department had accidentally destroyed [the tape]?" Sindel asked.

"No sir," Chapman answered.

"Because to the best of your knowledge, you gave it over to Mr. Goldman?" Sindel asked.

"We gave everything to the prosecutor's office," Chapman replied.

Conflicting testimony about the Reasonover-White tape was not Goldman's only problem at the evidentiary hearing. His testimony about discussions with jailhouse informant Jolliff raised eyebrows, too, because it failed to track with accounts from his contemporaries in the prosecutor's office.

Dealings with Lyner, the other jailhouse snitch, came back to haunt Goldman as well. Jurors at Reasonover's trial had no idea Lyner was a major player in the crime world, something discovered long after the trial by Pilate's defense team. St. Louis police sergeant Ronald Klein told the team how during 1982 he began investigating Lyner in connection with a missing rental car. Entering Lyner's apartment, Klein found her in "a drug-induced stupor." The search turned up "literally hundreds of stolen credit cards and checkbooks and a closet full of stolen purses." Klein eventually verified at least \$350,000 in fraudulent purchases, and guessed the total might have exceeded \$1 million if he had continued.

Klein lost track of the Lyner case after it shifted from the city to the county courts. He assumed she would receive about 30 years in prison. So he was surprised to learn that in return for testifying against Reasonover, Lyner received less than a year. Klein said he "would be extremely skeptical about the truthfulness of trial testi-

mony given by ... Lyner under oath in a court of law, especially if, as a reward for such testimony, she could ... avoid many years of state imprisonment."

Almost immediately after cooperating with prosecutors, Lyner left her cell for a work-release dormitory. Lyner's 1979 conviction disappeared from her record. Her 1983 deal with Goldman included one year of incarceration on four pending forgery charges. But she was unavailable for the 1999 evidentiary hearing, having committed suicide in 1990.

Sindel showed restraint while questioning Goldman, until the end. "So it was your mistakes which deprived Ellen Reasonover of her freedom?" Sindel asked rhetorically, over an objection sustained by Hamilton.

"So it was your mistakes which almost sentenced her to death?" Sindel asked, over another sustained objection.

"So it was your mistakes which almost sentenced Ellen Reasonover to death?"

The prosecution's conduct came under additional attack during the evidentiary hearing, when the judge learned about the tape made of the conversation between Reasonover and Rose Jolliff on January 12, 1983.

Pilate had inspected the prosecutor's files in 1995, but saw no sign of that tape. Why was it suddenly given to the defense by the attorney general's office, unremarked upon, during the evidentiary hearing? Pilate's annoyance was outweighed by her delight at being handed another piece of suppressed exculpatory evidence. Hamilton could not hide her displeasure, though, asking an assistant attorney general: "Are there any other documents you haven't disclosed? This is a little startling."

Yet another surprise occurred when Jolliff, without protection from a prosecutor, invoked the Fifth Amendment 28 times. Questions she refused to answer included: "Did Ellen Reasonover ever tell you anything about whether or not she killed or anyone else killed an individual named James Buckley?"; "Did you lie when you testified in State of Missouri versus Ellen Reasonover?"; and "Did the prosecuting attorney at any time ask you to lie in connection with your testimony?"

A month after the evidentiary hearing, Hamilton ruled. Peppering her opinion with references to previous wrongful conviction cases involving prosecutorial misconduct, Hamilton focused on three instances in the Reasonover case:

- The withheld Reasonover-White tape undermined Jolliff's snitch testimony. Furthermore, Goldman "had a constitutional duty ... to inform petitioner's trial counsel" about any understandings with Jolliff concerning leniency.
- "The new evidence suggests that Lyner misrepresented herself, before the grand jury and at trial, when she said the deal she made in exchange for her testimony was the first deal she had made with the prosecutor's office in exchange for favorable treatment."
- "Because the Reasonover-White tape was created by police investigators, Goldman had a duty to find out about the tape and to disclose it to petitioner's trial counsel." In naming the offending prosecutor, Hamilton did something relatively few judges have done when freeing the wrongly convicted.

On August 2, 1999, Hamilton ordered Reasonover released.

A case like this never has a truly happy ending, especially when the actual murderers are still at large, 17 years and counting.

Reasonover, now 42, has had a difficult time readjusting to freedom. She has enjoyed getting reacquainted with her 19-year-old daughter, mother and other relatives. But Reasonover has few job skills and little money. There is no automatic compensation for the wrongfully convicted. She will have to petition the state legislature for a special monetary award or sue various parties responsible for her imprisonment.

Neither Goldman, Chapman nor anyone else has been punished for this miscarriage of justice. Pilate and the Centurion staff continue to be attentive to Reasonover, but they can only do so much, especially given their intensive involvement in other wrongful conviction cases.

A few days after her release from prison, Reasonover appeared on the *Today Show*. Asked if she was bitter, Reasonover said no. Then she added: "Dan Chapman and Steve Goldman, they're going to have to answer to God for what they did to me." ■

Steve Weinberg is a freelance investigative reporter in Columbia, Missouri. Research for this article was supported by a grant from the Nation Institute.

PREVENTING WRONGFUL CONVICTIONS

For wrongful convictions to decrease, lots of behaviors will have to change. Because it is normally impossible to change behaviors through legislation, the changes will have to come voluntarily.

In an ideal world, police officers would stop framing "suspects" simply to clear a case, spending as much effort as needed to catch the actual perpetrators of crimes. In an ideal world, prosecutors would refuse to file criminal charges against those "suspects." In an ideal world, judges would dismiss cases based entirely on shoddy police work, unlikely eyewitness testimony, laughable mercenary "expert" witnesses, dubious tales from jailhouse snitches who have been promised a deal, and the like.

But human nature being what it is, such changes in behavior are unlikely to become widespread in the jurisdictions where those changes are needed the most. Thus the most promising formula for change rests not with legislatures, prosecutors or judges, but rather with journalists and reform-minded community groups outside the system.

Many arrests that morph into wrongful convictions yield warning signs from the first police report. Print and broadcast journalists who monitor every arrest in their coverage areas could start reporting on the warning signs early, continuing coverage throughout the process. Police and prosecutors are unlikely to welcome the glare of publicity. But such publicity stands a good chance of keeping them honest.

In communities where journalists are failing to serve that watchdog function, citizen groups can fill the void. League

of Women Voters chapters, Ralph Nader-inspired Public Interest Research Groups, law students and faculty can work together to monitor cases. Public defenders and private defense attorneys can help the watchdogs sort out the cases in which the glare of publicity is most crucial.

Sure, there are measures that legislators, prosecutors and judges can take, such as approving and implementing a process that guarantees DNA testing in those cases where adequate samples are available. That reform seems to be working well in the few states trying it. But it is naive to think that the legislators, prosecutors and judges who have so long caused the problem of wrongful convictions through their actions and inactions are likely to fix the problem. S.W.

THE END OF EXECUTIONS?

THE ANTI-DEATH PENALTY MOVEMENT IS GATHERING FORCE

BY LINDA LUTTON

When Bill Ryan started visiting Death Row prisoners in Illinois some five years ago, he got a lot of unsympathetic reactions from friends. "It used to be that I would talk about being opposed to the death penalty and people would look at me like I was crazy," says Ryan, a retired social worker who helped form the Illinois Death Penalty Moratorium Project in 1996. "I live in suburbia, and there are a lot of very conservative people out here. They'd look at me like I was nuts."

No longer, he says.

For death penalty activists, the landscape has undergone a sea change in a very short time. Not long ago, people like Bill Ryan were toiling in an environment where politicians embraced executions as evidence they were tough on crime, and where the death penalty had such overwhelming support that it barely registered as a debatable issue.

Now, particularly after Illinois' pro-death penalty Gov. George Ryan declared a moratorium on executions in that state, the movement to end the death penalty has been catapulted forward. Six states are currently conducting reviews of their capital punishment systems, as is the federal government. Both chambers of the New Hampshire state legislature voted to abolish the death penalty in that state (though the measure was vetoed by the Democratic governor). Moratorium legislation is pending in Pennsylvania, Ohio, New Jersey and Missouri, and similar bills have been introduced in 10 other states over the past two years. A spate of city governments have passed resolutions supporting moratoriums. In Congress, several bills are pending that would impose moratoriums or institute safeguards against wrongful convictions.


For the first time in decades, it's arguable that abolitionists have the upper hand. How things arrived at this point is a combination of hard work—on the part of activists, lawyers, journalists and the civil rights and religious communities—and, as in any movement, an element of timing and luck. A look at how the movement to abolish the death penalty has changed gives insights into how strong the movement is—and where it might be headed.

Last year 98 people were executed in the United States—more than in any year since death penalty laws were put back on the books in 1976. By comparison, 63 people were put to death in the entire decade after the death penalty was reinstated. Executions have seen their sharpest increases in the '90s, as have the rolls of Death Row inmates (currently at more than 3,600). According to Amnesty International, only China and the Democratic Republic of Congo executed more people than the United States in 1998, and this country is the world leader in executions of prisoners who were under 18 at the time of their capital crime.

The increase in executions and death sentences can be traced to a politically motivated get-tough-on-crime spree embraced by politicians from both major parties that dates back to Nixon and went through a revival in the early '90s. "The death penalty was the poster issue of the whole tough-on-crime movement," says actor and activist Mike Farrell, president of Death Penalty Focus in California.

In 1988, the federal death penalty was revived for murder committed in the course of large-scale drug trafficking. Under President Clinton, the Violent Crime Control and Law Enforcement Act of 1994 expanded the federal death penalty to some 60 additional crimes, including several that didn't involve murder: treason, espionage and large-scale drug trafficking. Two years later, following

WHAT PUSHED THE MOVEMENT FORWARD



Man Walking (May 1994). The book by Sister Helen Prejean, which was turned into a movie by director Tim Robbins in 1995, told the story of Prejean's friendship with a convicted killer on Death Row, and propelled the death penalty debate into mainstream popular culture. "We never had a way of bringing [the issue of the death penalty] close to the American public," Prejean said shortly after the release of the film. "Mostly it's been caught up in rhetoric."

DNA and the Ford Heights Four (July 1996). The story of Death Row inmates being acquitted by science has been given big play in the media and registered strongly with the public. In one high profile case, DNA testing exonerated four prisoners (two on Death Row) in a 1978 rape and murder case on Chicago's Southside, and corroborated the confession of another prisoner.

By law just two states (Illinois and New York) allow post-conviction access to DNA, but that's likely to change. In a March 2000 Gallup poll, 92 percent of those surveyed said prisoners convicted before DNA tests were developed should be allowed access to them now if they might prove their innocence.

the Oklahoma City bombing, Clinton signed the Anti-Terrorism and Effective Death Penalty Act. In an effort to shorten the amount of time between conviction and execution, the law established tighter filing deadlines, limited the opportunity for evidentiary hearings, and allowed only a single *habeas corpus* filing in federal court. It was passed a year after Congress eliminated all federal funding for post-conviction capital defense organizations, which had assisted Death Row inmates in *habeas* proceedings.

The outlook even a few years ago was bleak. "You'd go to executions—I even went to double executions—and nothing was happening," Bill Ryan says. "It was frustrating."

What has happened since is all about critical mass. "A confluence of events came to a head," Farrell says. "There was the conference on the wrongly convicted at Northwestern University in Chicago, the whole explosion of the issue of innocents on Death Row, Governor Ryan's decision to declare a moratorium, the *Chicago Tribune's* articles, the movie of Sister Helen Prejean's book *Dead Man Walking*—there were so many things that were happening. All of these things kind of collided at a time and ... people suddenly began to wake up. And I think it has established a momentum that in my view is irreversible."

This has left activists somewhere between dumbstruck and giddy. "It was like they finally heard us," says JoAnn Patterson, mother of Illinois Death Row prisoner Aaron Patterson, who has worked with the Illinois Death Penalty Moratorium Project.

Bill Ryan adds that for the first time in his five years working on the issue, it feels like he's part of a movement. "I didn't think it was a movement until the last six or eight months," he says. "But it's fast becoming a movement."

For the past three decades, the foot soldiers in the movement against the death penalty have worked out of churches and makeshift home offices. They've maintained a consistent presence at executions, drawn attention to the wrongfully convicted, and undoubtedly saved dozens of lives. At times they've put enough people in the streets—particularly in the case of Pennsylvania

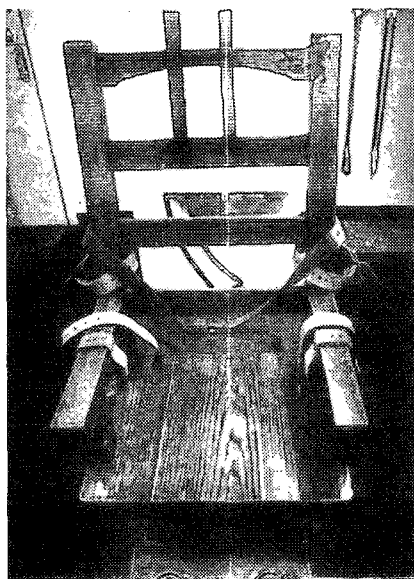
Death Row prisoner Mumia Abu-Jamal—to attract media attention. But despite being able to mobilize thousands and attract international support, abolitionists were unable to get mainstream Americans to buy into their cause.

Abolitionists haven't suddenly won the ear of Americans because they're presenting new arguments. "Eighteen years ago when I started investigating these cases, nobody would pay any attention," says Rob Warden, executive director of Northwestern University's Center for Wrongful Convictions and former editor of *Chicago Lawyer*, where seven of the first 10 wrongfully convicted Death Row prisoners in Illinois were first exposed. The Death Penalty Information Center has a library of studies—some of them nearly 10 years old—that bring up issues only recently catapulted into the public consciousness and being seriously reviewed: innocents on Death Row, prosecutorial misconduct, ineffective counsel. So why now?

More than anything else it has been the recent parade of exonerated men marching off of Death Row—13 of them in the past two years—that has triggered movement on

this issue. "The issue of innocence, the presence of a number of innocent people who have been freed from Death Row and stories people have now heard—that convinced people outside of the usual opponents that there was something wrong," says Richard Dieter, executive director of the Death Penalty Information Center.

The debate over the death penalty, which in the past has focused on ethics and morality, now centers on the justice system as a whole. "I don't think that people are being morally convinced that the death penalty is wrong," Dieter says. "That's not what's changing. What's changing is a practical, fact-based concern about how the death penalty is applied. That's where the numbers are shifting."



American Bar Association calls for a moratorium on executions (February 1997). The traditionally middle-of-the-road body gives credibility to the notion that there is something wrong with the capital punishment system. The high-profile introduction of the idea of a "moratorium" (rather than abolition) offered a third option in a debate that had been deadlocked.

Karla Faye Tucker is executed (February 1998). "Anytime a human face is put on the death penalty it changes things," says Richard Dieter, executive director of the Death Penalty Information Center. "People support the death penalty abstractly. Karla Faye Tucker was a face, a woman who really was no threat to anybody. It was a pivotal case: If the image that people have of the death penalty is Karla Faye Tucker, they're not going to be as vehement about executions as they are if the image is some faceless horror." Tucker's case was also pivotal because staunch death penalty supporters on the Christian right voiced support for clemency. Pat Robertson said the Born-Again Christian should be spared so she could continue to preach God's word to other prisoners.



ILLUSTRATIONS BY STEVE ANDERSON

That has meant that abolitionists are suddenly finding they may have at least temporary new allies in the fight who have no moral objections to the death penalty. George Ryan has repeatedly said he believes the death penalty is a reasonable societal response to the most serious crimes, and his Governor's Commission on Capital Punishment is charged with making "recommendations and proposals designed to further ensure the application and administration of the death penalty in Illinois is just, fair and accurate."

After an August public hearing before the commission, where all but one of the 47 speakers voiced opposition to the death penalty and detailed concerns ranging from medical doctors' participation in executions to what one assistant public defender called "the inherently arbitrary nature of the death penalty," the *Chicago Tribune* editorialized that the commission's first public hearing was a "disappointment," where "dozens of death penalty foes dominated the speaker list, overloading the hearing with repetitive rhetoric rather than thoughtful insights into specific problems." The *Tribune* went on to say that the commission's mission "is to

"A moratorium means that you look at this thing and then you discover that it's indefensible."

provide specific ideas for reform, not a recommendation on whether to keep the death penalty." The possibility that the steam in their movement might be diverted to try to create a system that kills only the guilty and protects the innocent has not eluded activists. Lawmakers and others who have benefited politically from supporting the death penalty, Farrell says, have sensed public concern and have thus taken up the issue, but are "eviscerating the moratorium by insisting on 'reform.'"

It could even be questioned that the notion of a moratorium is already a dilution of the stronger stance of abolition. That's something that doesn't seem to worry most abolitionists. "Abolition and a moratorium—it's the same thing in essence," says Robert Drinan, a Georgetown University Law School professor and a columnist for the *National Catholic Reporter* who has written about the death penalty. "If you have a moratorium it is unlikely that you'll ever go back and execute people. And that's why the American Bar Association chose a moratorium. We didn't urge the ABA to advocate for abolition because we didn't

have the votes. But a moratorium means that you look at this thing and then you discover that it's indefensible."

Drinan's confidence that abolition is the only logical outcome of a careful study of the death penalty—even if that study's avowed goal is to reform the system—is shared almost across the board by activists. "I don't worry about a fair examination of the death penalty," Dieter says. "It is one of these things that has some very inherent problems that are going to be very difficult to fix."

But activists' confidence is not necessarily shared by others. "I think there's a very good possibility that you'll see executions resume in Illinois," says *Chicago Tribune* reporter Steve Mills, who co-authored the series "Failure of the Death Penalty in Illinois" as well as a recent investigative series on Texas' capital punishment system that ran the week before Gary Graham's execution. "I think it would be pretty hard to come back and say, 'OK, We fixed the system. Now let's go ahead,'" Mills says. "But I think it's possible that politicians will say that."

Former Illinois Sen. Paul Simon, who co-chairs the Governor's Commission on Capital Punishment and opposes the death penalty, says a pragmatic approach is

better than nothing. "Part of the legislative process is you do what you can and you don't always win 100 percent," he says. "If the commission can reduce the number of executions in the state, is that going as far as I'd like to see it go? No. But is it worthwhile to save some human lives? Yes."

Changes in public opinion may allow politicians an opportunity to reconsider their stand. A Gallup poll taken in February registered support for the death penalty at a 19-year low; but that just means support is overwhelming, rather than nearly unanimous: 66 percent surveyed said they favored the death penalty for people convicted of murder. But recent polls are showing that similar majorities support a moratorium on executions. In a nationwide, bipartisan poll released by the Justice Project in September, 64 percent of those surveyed said that they favored suspending the death penalty until its fairness could be studied—in light of Death Row prisoners who have been released based on new evidence or DNA testing. The *San Francisco Chronicle* reported in June that 73 percent of voters surveyed in California—which has the largest Death Row in the country—are in favor of suspending executions to study the fairness of the

National Conference on Wrongful Convictions and the Death Penalty (November 1998). This conference at Northwestern University in Chicago brought together 30 former Death Row inmates who had been exonerated on a single stage and threw an international spotlight on wrongful convictions. The conference helped shift the debate over the death penalty away from moral rhetoric, focused media attention on systemic problems and highlighted the issue of innocence.

Chicago Tribune articles (November 1999). The five-part series "Failure of the Death Penalty in Illinois" charged that capital punishment in Illinois is "a system so riddled with faulty evidence, unscrupulous trial tactics and legal incompetence that justice has been forsaken." Illinois Governor George Ryan has cited the *Tribune* investigation as pivotal in deciding to impose a moratorium on executions in Illinois.

Chicago Tribune



Anthony Porter exonerated (February 1999). Forty-eight hours from execution, Porter was saved by the work of journalism students who had investigated his case. Porter, whose case made international headlines, was the 10th Death Row prisoner to be exonerated since the death penalty was reinstated in Illinois.

PHOTO BY LAUREN SANTOW

state's capital punishment system. And even in Texas, which accounts for 33 executions so far this year (about half of the national total), a *Houston Chronicle* survey showed that 3 out of 4 respondents said the state should declare a moratorium on death sentences in cases that might be affected by DNA testing.

In a year when the Democratic Party might have anticipated a shift in public opinion on this issue, it went in the other direction and inserted a pro-death penalty plank in the formerly neutral platform. Al Gore has been a longtime believer in the death penalty, though he did admit feeling "uncomfortable" with the findings of a Columbia University study released in June, which showed that in two of every three death penalty cases between 1973 and 1995 the sentence was reversed on appeal because of errors. George W. Bush largely has escaped public criticism, despite his sardonic public comments (such as the *Talk* magazine interview in which Bush mimicked Karla Faye Tucker pleading for mercy before her execution) and loud claims that Texas may have executed innocent prisoners on his watch. Bush has plowed ahead with state killings in Texas, signing off on execution orders at the rate of about one per week during the presidential campaign. Executions are scheduled for the two days following the election.

With the innocence issue playing such a central role in the shift in death penalty politics, there is one obvious remaining task for abolitionists—to prove that an innocent person has been executed. That's the Holy Grail in this fight, and perhaps the one thing that could irreversibly alter public opinion on the death penalty. Academics, activists and attorneys have suggested the names of dozens who have been executed despite substantial doubts about guilt, but lack of evidence hasn't been their biggest obstacle. "We've allowed the other side to define innocence," says Warden of the Center on Wrongful Convictions. "And basically they've defined it by saying, 'The innocent person is who we say is innocent. We say nobody is innocent; therefore, nobody is innocent.'"

Prosecutors have fought hard to prevent post-execution DNA

testing. After Joseph O'Dell was executed by Virginia in 1997, the Catholic Diocese of Richmond requested samples for DNA testing—testing courts had refused to allow before O'Dell's execution. Arguing against turning over the samples, state prosecutors maintained that "people will shout from the rooftops that the Commonwealth has killed an innocent man" if DNA samples from the victim did not match blood found on the clothing of the executed. The court ordered the DNA evidence destroyed. Lawsuits in several cases are currently pending to allow for DNA testing in post-execution cases.

But Warden says that even in a case where DNA points to innocence, prosecutors would still insist they executed the right man. "The guy may have been convicted of murder and rape and sentenced to death," he says, "and DNA might even establish that he could not have been the source of the semen, and the prosecutors will say, 'Well, she could have had consensual sex with someone else.' " He quips: "We are referring to that now as the 'unindicted co-ejaculator theory.' "

However, it's unclear whether proving that an innocent person has been executed would matter to Americans. In the same February 2000 Gallup poll in which 66 percent of those surveyed said they were in favor of the death penalty, 91 percent said they thought innocent people had been sentenced to death in the past 20 years. In another poll released at the end of June, 80 percent said they believed an innocent person has actually been executed in the United States in the past five years, and still 66 percent favored the death penalty.

Warden says that despite the current avalanche of events that seem to be lining up in abolitionists' favor, Americans' views on the issue—and politicians' actions—are largely incident-driven. And while exonerated Death Row prisoners have dominated the news lately, all it may take to turn back the tide would be one prominent serial killer.

For now, those working in the legal, political, organizing and religious arena—whose work, Warden says, has been behind every exonerated Death Row prisoner, Illinois's moratorium, investigative reports and legislative initiatives—will continue their labors in a more amenable, if fragile, climate. "The momentum is all there," Warden says. "But the wind can change." ■

Linda Lutton is a Chicago-based freelance writer.

Illinois declares moratorium on executions (January 2000). "I have grave concerns about our state's shameful record of convicting innocent people and putting them on Death Row," said Illinois Governor George Ryan, in a speech declaring a moratorium on executions. "I cannot support a system, which, in its administration, has proven to be so fraught with error and has come so close to the ultimate nightmare, the state's taking of innocent life."



Gary Graham executed (June 2000). Most executions garner no more than a small note in the newspaper, but Gary Graham's got front-page headlines nationwide. Radio and TV stations counted down the hours to Graham's execution, drama building as the nation waited to see if George W. Bush would intervene in the 135th execution carried out in Texas under his administration. Graham (aka Shaka Sankofa) was convicted largely on the testimony of a single eyewitness, and attention to his case centered around his possible innocence. Graham had to be forcibly strapped and handcuffed to a gurney. His final words: "They are killing me tonight. They're murdering me tonight."



The Sociology Beat

By J.W. Mason

At his untimely death in 1962, C. Wright Mills seemed well on the way to advancing from the first rank of American sociologists to the first rank of world intellectuals. In the great trilogy he published between 1948 and 1956—*The New Men of Power*, *White Collar* and *The Power Elite*—he

C. Wright Mills: Letters and Autobiographical Writings
Edited by Kathryn Mills with Pamela Mills
University of California Press
378 pages, \$34.95

had issued a lacerating critique of what he expansively called “this whole setup.” The books’ overarching themes were the continued division of American society into classes with sharply divergent, even antagonistic, interests and aspirations, and the central role of coercive power—not shared values—in holding those classes together.

It was a bracing message for any time, and especially for that one; its ability to find and hold a mass audience—and it did, to an extent unmatched by anything else that could be remotely considered sociology—was no doubt helped by Mills’ central concern for the moral qualities of life in the society he described. It was this, even more than their literary stylings, that set his books apart from the sociological mainstream. As he put it in the long letter to an imaginary Russian colleague that forms the “autobiographical writings” component of the new collection *C. Wright Mills: Letters and Autobiographical Writings*, in all his work he sought “some kind of combination answer to Lenin’s question: ‘What is to be done?’ and Tolstoy’s: ‘How should we live?’ ”

The trilogy—especially its first two volumes—won Mills esteem from his academic colleagues as well as a broad public. By the end of his life, though, he was best known for two later books: *The Causes of World War Three*, a brief for disarmament, and *Listen, Yankee*, a defense of the Cuban revolution. Selling

hundreds of thousands of copies each, they dwarfed in public impact any of his—or indeed anyone else’s—sociological monographs. For the generation that was to become the New Left, those two books made him the model of the *engagé*, uncorrupted intellectual. For most of his peers in academia and public life, they meant, in the words of Adolf Berle (whom Mills was to oppose in a prime-time debate on Cuba until he was felled by his next-to-last heart attack), that he had “degenerated from being a capable though rather left-wing opinionated professor of sociology into a ranting propagandist.”

Alongside Mills the scholar and Mills the pamphleteer was Mills the biker, the defiant individualist in the age of the Gray Flannel Suit, who came roaring up to his Columbia University offices on his BMW motorcycle in work shirt, jeans and boots. “Take it big,” he advised students and colleagues, and he always did, in his life as much as his work.

After his death more than one friend described his habit, after finishing dessert at one of the Manhattan steakhouses he loved, of calling to the waiter, “That was good—I’ll have the same thing again,” and working his way through another full meal. One recalls that Thomas Wolfe, no slouch himself at a typewriter, said that sitting down to write each day was like starting a new, enormous meal after eating to satiation. No surprise then that Mills, who died at only 45, was able to write four big books and four small ones, edit or co-author three more, and produce a major translation of Max Weber, a fat stack of scholarly articles and enough topical writings to fill a volume of 650 pages.

The letters are at their best displaying Mills’ outsize personality. Almost every page—even the peevish complaints to publishers that any representative collection of a writer’s letters must include—conveys energy, vitality, immense animal spirits. “Play the guitar an hour or so at night. Read more and

more on movies,” he reported to his editor William Miller in 1949. “My god what a thing they are. We must make them: they’ve got everything that appeal to me in this damn society and moreover the chance to damn everything else in it. Will write one this summer. ... The title of the movie to be written is: ‘Enthusiasm.’ ”

He goes on (and on and on) about his enthusiasms: his motorcycle, his houses (which he built—three of them—from the ground up), his photography, anything he could do with his hands. After 300 pages, one ends with an impression of Mills that, if without much breadth or context, certainly doesn’t lack for intensity.

Among other things, the letters make clear Mills’ determination to write books with literary as well as scholarly value. As he put it to his parents, *White Collar* was to be “my little work of art: it will have to stand for the operations I will never do, not being a surgeon, and for the houses I will never build, not being an architect. So you see, it has to be a thing of art and craftsmanship as well as science.” His comments on the craft of writing in these letters fit well with those in his published work, espe-

In the age of the Gray Flannel Suit, Mills came roaring up to his offices on his motorcycle, in work shirt, jeans and boots.

cially *The Sociological Imagination* with its well-known evocation of “intellectual craftsmanship.”

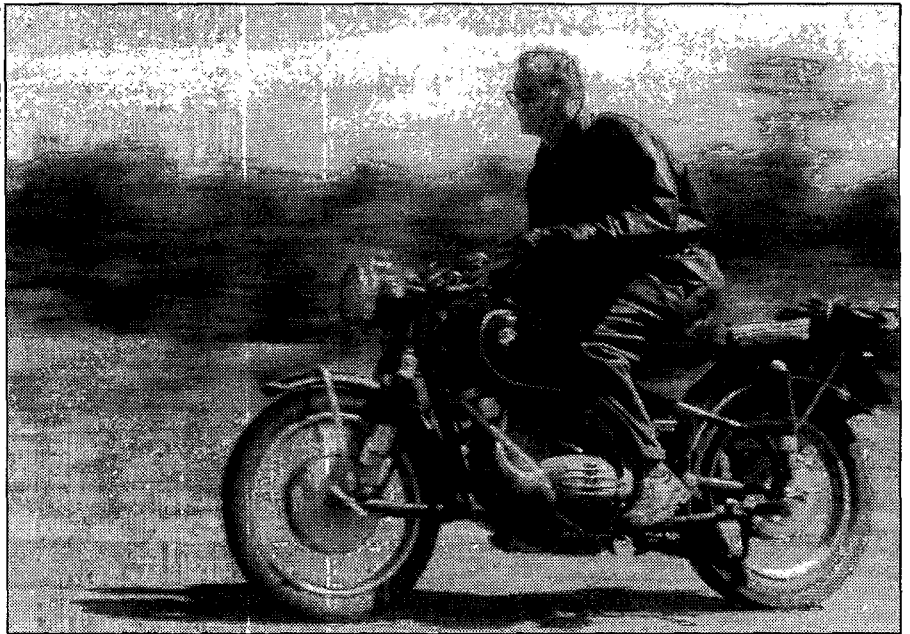
There, Mills warned against both Grand Theory and “methodological inhibition,” the fetishization of techniques of data collection. Instead, theory and method are to be treated as scaffolding: vital during the construction process, but no longer present—or at least not visible—when the building is done. The most “useful discussion of method as well as of theory usually arises as marginal notes on works-in-progress or work about to get under way,” he observed.

When Mills obeyed his own strictures—and he generally did—the results could be impressive. All but the most colorful or exemplary evidence is hidden in footnotes (or in the author's files); any self-conscious theory is too, or is effaced entirely. The effect is of a mirror held up to the world; Mills' best books read not like sociology, but like great novels (Balzac and Dos Passos were his models). "What I want to say," he explained to Miller, "is what you say to intimate friends when you are a little discouraged about how it all is. All of it at once: to create a little spotlighted focus where the alienation, and apathy and dry rot and immensity and razzle dazzle and bullshit and wonderfulness and how lonesome it is, how terribly lonesome and rich and vulgar and god I don't know."

By this standard he often succeeded brilliantly. In the tradition of the great American sociologists of the first half of the century—Park and Burgess, W.E.B. DuBois, Carolyn Ware, the Lynds—Mills wrote real books, intended not to argue a thesis but map out a social totality. (Mills was in but not of this tradition: He always presented himself as an untutored Texas "mushroom," and none of these predecessors except fellow Columbia professor Robert Lynd, one part mentor to three parts rival—Mills sarcastically referred to him as "God"—show up in the letters or in Mills' major books.) What makes Mills' books so intoxicating to read is the way they deploy every possible form of evidence—statistical sampling, in-depth interviews, literary and historical material—in support of a single overarching vision, one that constantly connects the "feel and tang" of individual experience with a rigorous account of institutions. It's hard to think of any recent work of sociology where the scholarly machinery is so well-oiled and works so discreetly and noiselessly out of view. Mills' best books fully deserve the label he applied to James Agee's *Let Us Now Praise Famous Men*—sociological poetry.

Why don't more social scientists write like Mills today? In fact, there are some good reasons. Social scientists foreground method and evidence to allow their conclusions to be independently verified; they foreground theory to position themselves within debates in the field. Neither can be lightly dis-

YAROSLAVA MILLS



"Take it big," Mills urged his students and colleagues. Varoom!

pensed with if one wants to be part of the larger scholarly division of labor.

But then, that's exactly what Mills didn't want. He expected his books to be taken seriously as sociology, but he never wrote for sociologists or let them set his problems. The audiences he cared about were New York intellectuals first and foremost, and then the public in general; the reviews that got him worked up were in *Politics and Partisan Review* and *The New Republic*, not *American Sociological Review*. Late in his life, he dropped even the pretense of being part of the academic fraternity, and became increasingly enamored of the image of the unaffiliated intellectual speaking truth to power. Sociological poetry, yes; but his work also deserves the description he applied to that of Marx: "It tries to be social science all by itself."

Mills' dream of scholarly self-sufficiency is, in some ways, at the heart of his whole outlook. This is a man, after all, who boasted that he could build his own house with nothing but wood, wiring and a few sheets of glass and tin ("if wood isn't available I can cut timber and wait a year and build with that"), and who built his own motorcycle, in a workshop in Germany. ("It is very proper," he wrote to his old professor Hans Gerth, "that no intellectual group or agency should send me to Europe but that I should smell it for the first time as an amateur mechanic.")

In his political interventions, too, he made a point of being on his own, of having no clearly defined constituency. He called himself a "politician without a party"; one has only to read *The Causes of World War Three*, which issues its great rolling pronouncements with supreme indifference to what agency will carry them out, to see how seriously he took that designation. "Way down deep and systematically I'm a goddamned anarchist," he wrote to Harvey Swados; it was Mills who unearthed the old Wobbly slogan, "We are all leaders." Some of his most eloquent passages, both in the letters and in his published work, are paeans to the craft ideal.

As an ideal, the appeal of the autonomous craftsman can't be denied. But how can one recreate this kind of autonomy without also restoring its material basis—the standard of living of 150 or more years ago? When production requires the coordinated efforts of a great number of more or less specialized workers, how is unalienated work possible? These questions are not unanswerable, but Mills never seriously tried to answer them; instead "craftsmanship" became a fantasy, an evasion of modern realities.

For of course, Mills didn't really build his motorcycle; he assembled it from parts built by thousands of others; despite his boasts, the houses he constructed were

similarly the product of an extensive division of labor. Self-reliance in political and intellectual work is equally illusory—a fact Mills was never quite willing to accept. Indeed, if one pole of his thought was the hierarchical and regimented social universe presided over by “the sons of bitches who run American Big Business,” the other, as these letters make clear, was the Greenwich Village coffee-house milieu of the Beats. There the highest value was personal integrity and self-discovery rather than any collective end. In this respect, as much as in his political stances, Mills anticipated the New Left and the counterculture. “There is a certain type of man who spends his life finding and refinding what is within him,” he wrote cheerfully to his parents as a graduate student. “I suppose I am of that type.” It is a type that has become all too familiar in the decades since.

Mills’ uncritical embrace of individual craftsmanship, intellectual and otherwise; his faith in the political power of personal integrity (“the politics of truth,” he called it); and the leading role he envisioned for intellectuals all grew out of the same feature of his thinking: a lack of any idea of what a politically mobilized society might look like. In the ‘40s, he still saw the labor movement as containing at least the germ of a new kind of autonomy, one suited to industrial society; unions, he wrote, were “the only organizations capable of stopping the main drift toward war and slump.” (The wording is important: It’s not just that bad outcomes are to be avoided, but that drift is to be replaced with conscious mastery. Here as so often, Mills expressed Marxist ideas while avoiding Marxist jargon.)

For Mills, as for many on the left both in the United States and Europe, the failure of the organized working class to lead the struggle for social transformation meant that his vision of a different world was left unconnected to any plausible agent of historical change. For some, this was a signal to abandon politics; Mills, to his credit, retained his radical views, but his thinking acquired an increasingly utopian tinge.

Nor did this problem disappear when the Cuban revolution again offered Mills something concrete to be for. It’s important to remember that Mills was on the side of the angels with regard to Cuba, a position that took real courage. Though

his outspoken support for the revolution won him many friends, especially in Latin America, it also earned him intense official hostility, which may well have hastened his death. Still, it’s strange to see the Cuban revolution being praised as, in effect, an upsurge of Emersonian individualism, a movement without theory and, at its best moments, without leaders. Whatever was needed, the people would simply do. Mills was right to defend Cuba, but couldn’t he have done so without falling back on the shopworn tropes of revolutionary authenticity and spontaneity?

Just do it” is hardly the exclusive faith of the left, of course. In his idealistic individualism, in his distrust of theory and bureaucracy, Mills was right in the American mainstream. His first scholarly interest was in the pragmatists, and as his biographer Irving Horowitz rightly points out, pragmatism never left the center of his political thought—which, Horowitz should have added, is too bad.

As a theorist and chronicler of social hierarchy, Mills is still immensely valuable to anyone who wants to understand a

system in which the exercise of power is ubiquitous but not always easy to see. And as a writer, he’s certainly to be admired and learned from, if only emulated with caution. But it’s mainly the Beat sociologist, Horowitz’s “American utopian,” who comes through in these letters. That Mills can be read for inspirational effect, if your tastes run that way; otherwise, he is only of historical interest, a missing link between Dos Passos and *On the Road*.

“You ask for what one should be keyed up,” Mills wrote at one point to Gerth, who was feeling blue. “My god, for long walks in the country, and snow and the feel of an idea and New York streets early in the morning and late at night and the camera eye always working whether you want or not and yes by god how the earth feels when it’s been plowed deep ... and yes by god the world of music which we just now discover and there’s still hot jazz and getting a car out of the mud when no one else can.”

Dean Moriarty couldn’t have put it better. ■

J.W. Mason wrote “Dancing in the Suites” in the September 18 issue.

Plague Spring

By Mark Parascandola

Last spring, the Clinton administration declared the global spread of AIDS to be a national security threat. The continuing spread of the disease in Africa, Asia and the former Soviet Union could, the White House said, topple governments, spark

Garrett’s first book, *The Coming Plague*, appeared in 1994 amidst growing public fascination with obscure infectious diseases. That same year, with the publication of Richard Preston’s *The Hot Zone*, a new subgenre of horror story had been born. These were true tales of terrifying diseases (Ebola, Lassa fever, Marburg virus), and they made heroes of globetrotting epidemiologists. At the same time, news reports about new, drug-resistant strains of tuberculosis in U.S. cities were on the increase. The timing could not have been better for Garrett’s predictions of global doom.

After the book’s publication, talk show hosts and fellow journalists plied her for solutions. How could disaster be averted? Looking back, she writes, “As a journalist I felt uncomfortable: It wasn’t my role to solve society’s dilemmas, only to describe them.”

Betrayal of Trust: The Collapse of Global Public Health

By Laurie Garrett

Hyperion

742 pages, \$30

ethnic wars and undo progress toward democracy. The link between epidemics in distant places and U.S. national security may seem tenuous; after all, it was not the spread of AIDS in the United States that the administration feared so much. Nevertheless, Laurie Garrett would likely reply that Clinton’s declaration was too little, too late.

Nevertheless, she saw reason to delve further and explore the underlying causes of what had become a global predicament. Her second book, *Betrayal of Trust: The Collapse of Global Public Health*, is the result of six years of those efforts.

The book opens with a recent epidemic of bubonic plague in India. In the early '90s, bubonic plague was primarily of interest to medical historians. The last human case had been seen in 1966, and such cases were easily treated with run-of-the-mill antibiotics like tetracycline. Regional governments had shut down their plague offices and stopped random checks of rats and fleas. However, the bacteria that causes the disease, *Yersinia pestis*, can survive dormant in soil and among populations of fleas, awaiting the right conditions to return. On September 30, 1993, a major earthquake hit the state of Maharashtra, destroying thousands of villages. When locals returned the following year, after having fled the region, they were met by legions of rats and fleas, which had flourished in the aftermath. Soon after, the first cases of plague began to appear.

Garrett insists that it was not the fleas, rats or earthquake that were to blame for the chaos that followed. Instead, she uses the incident to demonstrate how a chain of unexpected events and poor decisions can turn a local outbreak into a national crisis.

India's public health protections had been weakened by aggressive budget cuts in the early '90s. During this period of growing economic prosperity, officials played down the importance of public health surveillance and preventive measures. "We have beautiful antibiotics. This is not the Middle Ages," said Maharashtra's state health minister Subash Salunke. But while officials remained dangerously calm, others panicked. When plague cases began turning



In 1993, a major earthquake in the Indian state of Maharashtra helped create conditions for new cases of the plague.

up at hospitals in the industrial city of Surat, private doctors fled the area. Within a week, 500,000 residents followed suit, taking the plague with them (and watching curiously as one Western journalist, Garrett herself, passed them going in the opposite direction).

As international trade and air travel become faster and cheaper, ambitious microbes are being handed, literally, a world of opportunity.

As word spread throughout the Indian subcontinent, antibiotic supplies were snapped up, even in areas where they were clearly not needed. Urgent news reports, full of misinfor-

mation, further spread fear. The Bombay stock market crashed, several nations banned all flights and trade with India, and others began to screen travelers and spray planes with pesticides. Amazingly, all this transpired before the original plague diagnoses had been confirmed in a laboratory.

Garrett makes a strong case that both Indian and international authorities behaved less than rationally, multiplying India's economic losses. But the danger from such a catastrophe is not confined to India. Indeed, what makes distant outbreaks into Hollywood movie material is the possibility that they could turn up in our own neighborhoods. After all, bacteria don't recognize national borders. As international trade and travel become faster, cheaper and more frequent, ambitious microbes are being handed, literally, a world of opportunity. As the late public

health luminary Jonathan Mann wrote in his preface to *The Coming Plague*, "We can already predict the future—and it is threatening and dangerous to us all."

But there is another, even more profound, worry contained in the subtitle to Garrett's new book—"The Collapse of Global Public Health." Garrett insists that local outbreaks are not simply isolated incidents or consequences of momentary lapses of vigilance. Instead, they are symptoms of a widespread malaise that has infected public health "infrastructure" (she cringes at the term herself) around the globe. She traces this from Ebola in Zaire to syphilis and tuberculosis in the former Soviet Union. Through budget cuts, negligence and lack of political will, public health infrastructure everywhere is in dire straits, and the United States is no exception.

Unfortunately, this is where Garrett's argument loses focus. Of the 200 pages

devoted to the United States, half consist of a wandering history that does little to illuminate exactly where public health has gone astray. Memorable but unrelated images and anecdotes (remember President Bush holding up a bag of crack purchased across the street from the White House?) are juxtaposed in a patchwork style, as if cut and pasted from years of her reporting. Like *The Coming Plague*, the book is meticulously researched, but, also like that other book, its 742 pages could benefit from some aggressive editing.

A few broad themes do emerge, however. A distinctly American infatuation with costly, technological solutions and individual responsibility has created a myopic vision of public health, one that does not lend much support to massive disease prevention and surveillance programs. These attitudes, along with Reagan-era budget slashing, have crippled U.S. public health mechanisms. As Garrett writes, "The individualized and medicalized approaches no longer made sense at the close of the twentieth century."

But some of the blame must go to public health practitioners themselves. Nagged with self-doubt, they can't seem to agree on what their own obligations are. In its 1988 report on "The Future of Public Health," a National Academy of Sciences committee provided only a hopelessly vague definition: "The committee defines the mission of public health as fulfilling society's interest in assuring conditions in which people can be healthy." In other words, public health is anything that helps people to be healthy. As a call to action, that definition leaves something to be desired.

Public health practitioners might learn a thing or two from observing their own history. In 1914, U.S. public health service officer Joseph Goldberger was called to head an investigation of pellagra in the South. He famously demonstrated that pellagra was caused by dietary deficiency through a series of inventive human experiments. But he went a step further and insisted that the real cause of pellagra was epidemic poverty, a conclusion that did not please his southern hosts. Goldberger lacked

diplomacy, but he did recognize that public health practitioners should not shy away from taking a political stand.

In today's public health journals, researchers argue about whether they should study social phenomena, such as poverty and "neighborhood quality," or restrict themselves to biology. While new genetic technologies of the past 20 years have come to dominate public health research, disparities in health between social groups have grown ever harder to ignore. Much of the future of public health rests on how public health leaders can manage to unite these very different trends.

Garrett's prescription is that "public

health needs to be—must be—global prevention." Presumably, this means more money for public health infrastructure around the world, which is surely a good thing (if, that is, the public health community can agree on how to spend it). As with her first book, however, she does not have detailed solutions at hand. Nevertheless, this book is full of horror stories of the type that will surely keep public health policy wonks awake for nights on end. ■

Mark Parascandola is a graduate student in public health at Johns Hopkins University. His writing has appeared in *Lingua Franca* and the *Washington Post*.

The Real Deal

By Pat Aufderheide

The Toronto International Film Festival, which celebrated its 25th anniversary in September, is now an event that ranks with Cannes, Venice and Berlin. Loaded with star-power (Pacino, Gere, Paltrow), and glossed with glitz, it's also an astonishing demonstration of the range of filmmaking worldwide.

Me, You, Them

Directed by Andrucha Waddington

A Time for Drunken Horses

Directed by Bahman Ghobadi

George Washington

Directed by David Gordon Green

There's the shamelessly spectacular, like Taiwanese Ang Lee's romantic costumer set in imperial China and starring heartthrob Chow Yun-Fat, *Crouching Tiger, Hidden Dragon*. There's in-your-face weirdness, like *101 Reykjavik*, an Icelandic tale of a teenager who gets his mother's lesbian lover pregnant; the film features long, clinically accurate scenes of party sex. There's Hong Kong aesthete Wong Kar-Wai's rapturous meditation on longing, *In the Mood for Love*, an ecstasy of complementary colors and oblique angles. Oh, and how about the tough-girl-in-love boxing story *Girlfight*, by American director Karyn Kusama? After more

than 300 films debut in little more than a week, 300-some sets of filmmakers take a bow, and hundreds of agents rack up monstrous cellphone bills, and hundreds of critics stagger out into the light, all realize they each have attended a different festival than the others.

Some of this global cinematic cornucopia spills out into American cineplexes, defying the truism that Americans don't watch foreign films and never read subtitles. That's partly because conglomerates have snapped up and launched their own art-house distributors (Miramax, Sony Classics, Screen Gems, Universal Focus, New Line and so on), which are stocking the unprecedented number of movie screens. The global nature of the cinematic marketplace makes even a money-losing theatrical launch part of a long-term, global marketing plan that can pay off down the line.

These new facts of life in the film business have made it possible to market a new hybrid product: the little international charmer of a movie, heralding from somewhere that doesn't make the front page of the *Times*, perhaps somewhere exotically post-colonial, and celebrating the struggle of good people to endure. These movies can be lush and sexy (*Like Water for Chocolate*, from Mexico), mournfully dramatic (*The Color of Paradise*, from Iran), knowingly funny (*East Is East*, an English film about

the South Asian diasporic community in Britain), a downright hoot (*The Full Monty*, about English steelworkers displaced by globalization) or handsome as

enterprise. Two years ago, the Brazilian feature *Central Station*, about an embittered old woman and an orphan who search the northeast for a way to go



Ménage à *Me, You, Them*

handsome can be (like a whole run of Chinese films from the so-called Fifth Generation directors). They take the traditions established by neorealist directors in the '40s and '50s—who in films as diverse as *The Bicycle Thief* and *Pather Panchali* awakened viewers' demands for common human decency—and create a new movie formula.

Me, You, Them, by Brazilian director Andrucha Waddington, is a nicely burnished example of the new, farm-bred international charmer. Set in Brazil's impoverished northeast, it builds on tradition. In the '60s, Brazilian "new cinema" was an angry example of Third World neorealism. Directors such as Nelson Pereira dos Santos (*Barren Lives*) and Glauber Rocha (*Black God, White Devil*) rocked international audiences and horrified Brazil's military government with films that featured a northeastern peasantry that was suddenly stirring politically. After a miserable decline hastened by censorship, persecution of artists and a failure to protect local markets, in the '90s Brazilian cinema was revived as a commercial

home, became an international award winner and box office pleasure.

Me, You, Them is based on a true story of bigamy among the peasantry. We meet Darlene (Regina Casé) who, pregnant in a makeshift wedding gown, is stood up at the church door; she takes the next bus out of town. Three years later, she returns just in time for her mother's funeral. She accepts an offer to wed from surly storekeeper Osias (Lima Duarte), and proceeds to make a life out of hard work in the cane fields and at home. Her sexiness defies the dirt, misery and cruelty of her condition; her next baby looks nothing like her husband, creating suspicion and deepening her husband's brutality.

Her efforts to flee Osias' abuse fail, and she returns, having given her oldest son to his father—her foreman in the cane fields—so that he can be educated. When her shy, single brother-in-law (Stenio Garcia) comes to stay, she finds sympathy and some help in the kitchen; soon he gets a son. Their peculiar arrangement works until a handsome new worker (the very hunky Luiz Carlos Vasconcelos) shows up in the cane

fields. Then everyone has to consider the terms under which they will accept a little happiness in a life that is otherwise ruled by utter deprivation.

The true story from which the movie is derived was a tabloid treasure, since it so titillatingly teased the terms of the region's patriarchal culture. It played not only with the ruling ideology that women are the property and subjects of men, but its companion ideology that women also exercise a mystical power over men, through their sexuality and their control of childbearing and domestic life. The film also plays, more discreetly, with these assumptions, and Casé's ability to project a sexy companionability carries the game a long way. But the film never really strays far from the terms of patriarchal culture, nor does it ever challenge the economic or political injustice that reinforce it and still make it perfectly possible to get away with wife-murder in the region.

It's simply up to the characters to make stone soup of it all, and the director says as much. "*Me, You, Them* is a film about ordinary human beings in a situation considered absurd, in a society that does not accept polygamy," Waddington told a Brazilian newspaper. "I would also say that it's a film about the rules of the game, and of how life presents new rules every day. If people want to be happy, they have to adapt themselves to the new rules, even if they have to go through moments of real misery."

So there it is: neorealism *nouvelle*, a tasteful addition to the global cinematic palate. In the backlands, just like in the high-tech dotcom environment, flexibility is everything. Adapt to polygamy if that's how you can hold on to your *joie de vivre* while starving.

Other features at Toronto took the grand legacy of neorealism in other directions. Consider *A Time for Drunken Horses*. The film, set in Kurdistan, was made by Iranian director Bahman Ghobadi, who grew up in the region. The Iranian government both supports and yet suppresses a highly productive, professional cinema. Over the years, it has become well known for films featuring children, with stories that wend around many of the political unsayables. Some are more cloying than others, but a few—such as Abbas

Kiarostami's *Where Is the Friend's Home*, Samira Makhmalbaf's *The Apple* and *Children of Heaven* by Majid Majidi—have been splendid.

Ghobadi's film takes place in mountains dotted by Kurdish villages (Kurds are the largest stateless group in the world) divided by the national borders of Iran and Iraq. In a village that survives by smuggling simple domestic goods across borders, a family is orphaned when the father is killed by a buried landmine. The children rally to save their ailing handicapped brother; and finally the teen-aged eldest brother, hoping to earn money for the child's operation, sets out on the smugglers' route, through landmine-laced terrain so terrifying that horses must be fed whiskey even to attempt it. The landscape is as forbidding as it is majestic, and the desperate hope of the young people is as poignant as the adults' resignation is terrible. Ghobadi's film takes a genre that has become all too formulaic, and renewed its power.

George Washington—which will have a modest run in large cities this fall—is one of those movies that astonishes you with the strangeness of ordinary life. Made by David Gordon Green, a 24-year-old film school grad in North Carolina, it takes a group of young teenagers in a small, down-at-heels industrial town in the South through a Fourth of July weekend. In that time, one of them will die, two will tempt fate, and George, the 13-year-old African-American kid at the middle of the story, will survive. It's shot in 35 mm in a way that makes you feel Southern heat and industrial rot, but lets you see with young eyes the wonder of a day, a night, a dog or a girl; it brings the term magical realism back to cinematic life.

Green, who is white and who grew up in such a town, has won some entirely fresh performances from young non-actors. The film is uneven; the dialect is not always comprehensible, and the final cut clearly left some story pieces on the floor. But when you leave *George Washington*, you've watched an emerging artist who illuminates a world; you've been reminded of the many things beyond the business deal that festivals are for. ■

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SYLVIA



By Nicole Hollander

Editor's Note: The *In These Times* staff historian recently came across a remarkable story from our January 10, 1964 edition. The original dispatch, with striking parallels to a current case of a certain tire manufacturer, is reprinted below.

In These Times

MORE NEWS THAN YOU CAN HANDLE

In Wake of 13 Dead

Boston Strangler Corp. Recalls Albert DeSalvo

By Dennis Hans
Staff Reporter

BOSTON, Jan. 10—Bowing to public pressure, Boston Strangler Corporation CEO Albert DeSalvo announced yesterday a voluntary recall of himself.

Investigators with the Massachusetts Trade Commission suspect a defective brain stem in BSC's one-man work force may have played a role in the murder and sexual assault of 13 women in the past two years. "At high levels of excitement, it seems his morals separate from his actions," said a regulator familiar with the case. If found liable, BSC faces fines of up to \$250 per woman.

"Our action today in no way implies an admission of guilt," said DeSalvo at a news conference outside Boston Garden. "We continue to believe that, when handled properly, I am reasonably safe. Nevertheless, after answering your questions, I will head straight home and remain there until the Trade Commission completes its investigation."

The recall marks the latest chapter in the short, tumultuous history of BSC. DeSalvo incorporated himself on June 11, 1960. He explained why on his "Application to Incorporate," which *In These Times* obtained from a Trade Commission insider: "Last winter I began to experience psychopathic urges which, if acted upon, could leave me exposed to our barbarous criminal justice system," he wrote. "If and when I flip, I figure to get a fairer shake from the corporate justice system."

BSC first appeared on the public's radar screen in January 1963, when news reports listed it as one of a dozen suspects in the murder and sexual



assault of four local women. Each of the women lived alone and was strangled with her own stockings.

CEO DeSalvo denied involvement, but came across as insensitive when he suggested the victims themselves were to blame. "Any woman who opens her door to a complete stranger has an inflated sense of her own security," he told the press. Following the public outcry from that comment, he shifted the blame to the police, saying they had a "deflated sense" of just how dangerous the victims' neighborhoods were.

In May 1963, after three more women had died under similar circumstances, DeSalvo launched a "charm offensive"—posing with his wife and children for local photographers and glad-handling passersby in Harvard Square. And he reached out to the victims' families. "I know it's not much," he told them, "but

BSC will replace any nylons that sustained runs or blood stains in the strangling process."

Unfortunately for BSC, the offer only fueled speculation of corporate culpability. Hoping to nip such talk in the bud, DeSalvo announced in July that an internal investigation found "no evidence" of complicity in the crimes. What he didn't say, and is revealed here for the first time, is that his investigation hadn't looked for evidence, focusing instead on how the pace of killings might affect the pool of future targets.

The company's image slowly improved until October 1963, when two more women were found dead and DeSalvo labeled them "idiots." "For the sake of argument," he said, "let's assume BSC was on the premises. If a fellow knocks on your door at 2 a.m. and says he's with Boston Strangler, you don't have to be a rocket scientist to know he's not interested in a game of bridge."

When apartment safety administrator Michael Raines heard that remark, he knew he had his corporation. "I immediately made plans to start an investigation some time in the new year," he said. "Certainly no later than spring." Now another four women are dead, and state senators are demanding answers from the trade commissioner as well as Raines.

Meanwhile, the subject of all this fuss tries to maintain a positive outlook. Says DeSalvo: "Some days I say to myself, 'Pay the stinking fine, Albert, and get this ordeal behind you.' But as long as I believe I'm innocent, even if only in some lawyerly technical sense, I have to keep fighting. Not just for me, but for every other company being strangled by regulators." ■